

(Via Video Conference)

CRM 3111 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Goghat Police Station** Case No. **201 of 2020** dated **20.10.2020** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Shibe @ Shibu Fauzdar

.... Petitioner.

Mrs. Srimoyee Mukherjee

... For the Petitioner.

Mr. Saibal Bapuli, Ld. APP

Mr. A. Bhattacharyya,

... For the State.

The allegation is that there was an altercation between two brothers over property dispute and one of the brothers assaulted the victim (his full blood brother) with a bamboo stick and the victim succumbed to the injuries suffered. It is further alleged that at the time of assault the petitioner who is a neighbour held the victim's hand to facilitate such assault by the co-accused. The petitioner is in custody for about 207 days.

The State refers to the statements of the sons of the victim recorded under Section 164 of the Code and other material in the case diary. It is submitted that charge sheet has been filed upon completion of investigation.

We have considered the material in the case diary. The petitioner is in custody for about 207 days. Charge sheet has been submitted. Considering the nature of the allegations and prima facie role of the petitioner in the alleged assault and in view of the sufficient period of detention of the

petitioner and also as charge sheet has been submitted, we are inclined to hold that further detention of the petitioner shall not serve any fruitful purpose and he may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Arambag, Hooghly and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)