

09 26.07.2021
Kole Ct. No.32
allowed

C.R.M. 3120 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **06/04/2021** in connection with **Bhagwangola Police Station Case No. 529 of 2020** dated **04/11/2021** under Sections **448/302/120B** of the Indian Penal Code arising out of G. R. Case No. 3482 of 2020.

And

In the matter of: - **Krishna Das & Anr.**

....petitioners.

Mr. T. Gupta

...for the petitioners.

Mr. S. Ghosh,
Mr. B. Banerjee,
Mr. A. K. Datta

...for the State.

The petitioners are in custody for about 263 days and pray for bail.

It is submitted on behalf of the petitioners that according to the First Information Report they were not present at the place of occurrence when the incident occurred. Investigation is concluded, charge sheet has been submitted and further detention of the petitioner is no longer necessary.

The State vehemently opposes the prayer for bail and refers to the case diary including the statements under Sections 164 and 161 of the Code.

It transpires from the statement under Section 164 of the Code that the petitioner no. 2 Ronojoy Sarkar @ Chandan @ Ranajay Sarkar was prima facie involved in the alleged incident and was present at the time of occurrence of the same.

Having considered the material on record including the statements of witnesses as available from the case diary, we are

inclined to hold that in view of the extent of involvement of the petitioner no. 2 in the alleged offence, he is not entitled to be granted bail at this stage.

However, considering the extent of complicity of the petitioner no. 1 in the alleged offence, she should be enlarged on bail.

Accordingly, we direct that the petitioner no. 1 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. The petitioner no. 1 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 appear before the trial court 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 partly 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.)