

12.08.2021

41

suman

Ct. 32

CRM 3124 of 2021

(Via Video Conference)

In Re: an application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Panchla Police Station Case No.141 of 2020 dated 25.06.2020 under Sections 341/323/302/506/34 of the Indian Penal Code.

And

In the matter of: **Avijit Mondal @ Abhijit Mondal**
...Petitioner

Mr. Kollol Mondal
Mr. Soumya Basu Roy Choudhuri
...for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Rudradipta Nandy
...for the State

The petitioner is one of the several accused persons. The charge is under Sections 341/323/302/506/34 of the Indian Penal Code.

The petitioner says that the incident was the fall out of a property dispute. The complainant's father was building a house on ancestral property. The petitioner's family went and intervened. Altercation followed. There was a skirmish. The complainant's father sustained injuries and succumbed to the same subsequently. There was no element of premeditation on the part of the

petitioner. No specific overt act has been attributed to the petitioner. An iron rod that was used in the incident was recovered from one Ruby Mondal who has been granted bail. The petitioner is in custody for 405 days.

We have seen the material in the case diary including the statement of witnesses recorded under Section 164 of the Code of Criminal Procedure. We have considered the facts and circumstances of the case. Prima facie, it does not appear that the incident is one of premeditated murder. One co-accused person has been granted bail. No recovery of any weapon has been made from the petitioner

On an overall consideration of the facts and circumstances of the case and in view of the extent of complicity of the petitioner in the alleged offence and given the fact that charge sheet has been filed we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Howrah. 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. The petitioner shall remain within the

jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM 3124 of 2021 is, thus, **allowed.**

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)