

67. 17.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4075 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **10/06/2021** in connection with Cri. Misc. Case No. **255/2021** arising out of **Serampore Police Station Case No. 198/2019** dated **25/05/2019** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: - **Sagar Kumar Singh**

....petitioner.

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose

...for the petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State.

It is alleged that the petitioner, on instruction of the co-accused, assaulted the victim who subsequently succumbed to the injuries.

It is submitted on behalf of the petitioner that he is in custody for 271 days. Charge-sheet has been submitted. He has been falsely implicated in the case and his further detention is not necessary. The other co-accused, similarly placed, has been granted bail earlier.

Learned Advocate for the State opposes the prayer for bail. Referring to the statements of witnesses including the wife and the son of the victim recorded under Section 161 of the Code of Criminal Procedure and also the post mortem report of the victim, the State submits that this petitioner assaulted the victim on instruction of the co-accused, Mongal.

We have considered the material in the Case Diary. Charge-sheet has been submitted. The petitioner is in custody for considerable period of time.

Having regard to the material available in the Case Diary, facts and circumstances of the case as well as *prima facie*, involvement of the petitioner in the alleged crime, we are inclined to grant bail to the petitioner on stringent conditions.

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 learned Additional Chief Judicial Magistrate, Serampore, Hooghly, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 being C.R.M. 4075 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)