

26.08.2021
Item no.76.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4525 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 01.07.2021 in connection with Kotwali Police Station Case No.44 of 2021 Dated 13.1.2021 under Section 304 of the Indian Penal Code

And

**In the matter of : Antani Biro Mondal
@ Anthony Biro Mondal**

.....Petitioner.

Ms. S. Bhattacharyafor the Petitioner.

Mr. Ranabir Roychoudhuryfor the State.

The petitioner is the son-in-law (daughter's husband) of the victim. The petitioner says that there was a quarrel between him and his wife. The victim mother-in-law intervened and picked up a tiff with the petitioner. There was exchange of words, which led to exchange of physical blows. The victim sustained injuries and succumbed to the same. The complaint was lodged after nine days.

The State says that the delay in filing the complaint has been explained in the first information report. However, prima facie there does not appear to be any premeditated plan on the part of the petitioner to kill the victim. The incident happened in the heat of the moment.

On an overall assessment of the material on record and the nature and gravity of the offence as well as the complicity of the petitioner in the alleged offence and keeping in view that the petitioner has been in custody for about 159 days and the fact that charge sheet has already 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/-with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, and on further conditions that he shall remain within 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.)