

31.08.2021
Item no. 72
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4592 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2021 in connection with Hanskhali Police Station Case No. 254 of 2021 dated 18.04.2021 under Sections 448/326/307/34 of the Indian Penal Code.

And

In the matter of : Nitish Biswas.

.....Petitioner.

Ms. Sananda Bhattacharyya, Advocate,
.....for the Petitioner.

Ms. Zareen N. Khan, Advocate,
Ms. Sreparna Das, Advocate,
.....for the State.

The petitioner is one of the two accused persons. The petitioner says that the incident was a fallout of family dispute. There was a quarrel between the petitioner and his mother who is the victim in this case. In the heat of the moment, the petitioner may have assaulted her but did not cause any serious injury. He is in custody for 99 days. Charge-sheet has been submitted.

We have seen the material in the case diary. The Medical Report says that the injury is simple in nature. We have also seen the statements of witnesses including those of neighbours.

It prima facie, appears that the incident was the result of a dispute between the members of the family. This is not a run of the mill criminal case. Charge-sheet has already been submitted. Further detention of the petitioner is not necessary.

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 he 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)