

23.09.2021
Item no.74.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4659 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 9.7.2021 in connection with Santipur Police Station Case No.249 of 2020 Dated 11.6.2020 under Sections 304/34 of the Indian Penal Code

And

In the matter of : Sri Bijoy Sarkar

.....Petitioner.

Ms. S. Bhattacharyafor the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitoshok Banerjeefor the State.

The petitioner was taken into custody after submission of charge sheet. He has been in custody for 94 days.

The incident is one of mob lynching. The victim apparently went to steal agricultural crops. The villagers caught him and beat him up. He succumbed to the injuries.

One of the co-accused persons was granted bail by a Coordinate Bench of this Court on September 24, 2020 in CRM No.7015 of 2020. From the material in the case diary, it appears that the present petitioner is similarly circumstanced as that person. In all fairness, the State also does not dispute that fact.

Accordingly, on an overall assessment of the material on record and since a co-accused person standing on the same footing has been enlarged on bail, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely Bijoy Sarkar 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 at Nadia, 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

