

06.12.2021
tkm/ct 28
sl no. 5

C.R.M. 4866 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Serampur P.S case no. 325 of 2020 dated 20.10.2020 under sections 448/326/307/354/506/34 of the Indian Penal Code adding section 302/354B of the IPC

And

Allowed

In Re : Abu Rehan Ansari @ Polo & Anr. petitioners

Mr. B Banerjee

..... for the petitioners

Mr. N Ahmed

Ms. A Gaur

..... for the State

Petitioners are in custody for about 400 days and it is submitted on behalf of the petitioners that the incident occurred in the course of a sudden quarrel and without pre-meditation.

Learned lawyer for the State opposes the prayer for bail and submits that petitioners, particularly petitioner no. 1 had assaulted the deceased with bamboo sticks.

Having considered materials in the case diary and bearing in mind the prima facie involvement of the petitioner no. 1 in the alleged crime, we are not inclined to grant bail to him.

However, as the incident occurred in the course of quarrel and petitioner no. 2 had not assaulted the deceased, we are inclined to grant bail to him.

Accordingly, the petitioner no. 2 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 ACJM, Serampore, Hooghly on condition that he shall appear before the trial court on every date of hearing until further orders

and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 4866 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)