

31.08.2021
Item no.19.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5558 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2021 in connection with Belur Police Station Case No.55 of 2020 Dated 21.3.2020 under Sections 341/323/325/307/385/34/302 of the Indian Penal Code

And

In the matter of : Sanjay Kumar Jaiswal

.....Petitioner.

Mr. Sujit Gupta,

Ms. Amita Gaurfor the Petitioner.

Mr. Neguive Ahmed, Id. APP,

Md. Anowar Hossain,

Ms. Trina Mitrafor the State.

The petitioner and the complainant are brothers of the victim. The petitioner says that on the day of the alleged incident, all three were in their business godown. There was a minor dispute amongst the three brothers. The victim suffered a brain hemorrhage and collapsed. Subsequently he succumbed to the same in hospital.

We have seen the medical report. It says that no external injury was detected and the cause of death is stated to be intra-cranial hemorrhage.

We have seen the material in the case diary. The petitioner is in custody. Considering the nature of the allegations and the possible extent of complicity of the petitioner in the

alleged offence, although charge sheet has not been filed, we are of the view that the petitioner may be enlarged on bail.

We also note that before the learned Trial Court, the complainant and the victim's family have filed affidavits to the effect that they do not want to press the charge against the petitioner.

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 Chief Judicial Magistrate, Howrah, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Investigating Officer of the case 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.)