

23.11.2021
Court No.32
Item No. 63
Krishnendu
Bail Granted

CRM 5593 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Raju Rabi Das**

Petitioner

Mr. Jisan Iqbal Hossain

For the Petitioner

Mr. Madhusudan Sur, Id. A.P.P.

Mr. Manoranjan Mahata

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Berhampore Police Station Case No. 800 of 2020 dated 08.08.2020 under sections 302/506/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the victim used to disturb the petitioner's sister repeatedly. On the fateful date the victim entered into the residence of the petitioner and disturbed her sister and as such there was a severe altercation. The incident occurred on the spur of the moment and there was no intention on the part of the petitioner to inflict any injury to cause death. In the said conspectus, the ingredients of section 302 of the Indian Penal Code are not attracted. The petitioner is languishing in custody for more than

one year two months and there is also no possibility towards early conclusion of the trial.

He further submits that one co-accused person has been granted bail by the learned Court below and another co-accused has been granted anticipatory bail by this Court. The petitioner is the sole earning member and as upon completion of investigation charge sheet has been submitted, further detention of the petitioner is not warranted.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer for bail and submits that from the statements of the witnesses, it is clearly evident that the petitioner had inflicted injury upon the victim, which caused his death. The offending weapon was also recovered from the possession of the petitioner.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there was a previous dispute between the parties and the incident occurred on the spur of the moment. Considering the fact that two co-accused persons had already been granted bail and anticipatory bail respectively and as there is no likelihood that the petitioner will flee from justice, we are of the opinion that further detention of the petitioner is not warranted, more so when, upon completion of investigation charge sheet has already been submitted. However, to instil

confidence in the mind of the witnesses, the movement of the petitioner needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Raju Rabi Das**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore and on further conditions that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall not enter the jurisdiction of Berhampore Police Station until further orders, save and except for attending the learned Trial Court on all the dates, as specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 5593 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)