

02.11.2021
Serial no. 30
Dd/srimanta

(Through Video Conference)

CRM 6938 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Arambagh** Police Station Case No. **331 of 2021** dated **15.08.2021** under **Sections 324/325/326/308/354(B)/506/34** of the Indian Penal Code, 1860 corresponding with G.R. Case No.-**1010 of 2021**.

-And-

In the matter of : Prasanta Singh & Ors.

...Petitioners

Mr. Niladri Sekhar Ghosh, Advocate
... ... For the Petitioners

Ms. Sukanya Bhattacharya,
Ms. Sreeparna Das, Advocates
... ...For the State

Application for bail is made by three petitioners. It is submitted that in so far as the petitioner nos. 1 and 3 are concerned, they have been included in the FIR but not as principal accused. However, statements recorded under Section 161 of the Criminal Procedure Code, indicate the complicity of the petitioner nos. 1 and 3 in the crime. In so far as the petitioner no. 2 is concerned, he is the main accused. It is submitted that the said petitioner no. 2 had caused injury to the son of the de facto complainant in course of protecting his father, petitioner no. 1.

This Court is of the view that the bail application of the petitioner no. 2, Arup Singh, cannot be considered at this stage and is hereby rejected. In so far as the petitioner nos. 1 and 3 are concerned, this Court is inclined to grant bail on the following conditions :-

Petitioner nos. 1, Prasanta Singh and petitioner no. 3, Haradhan Pal, shall be released on bail upon furnishing a

bond of Rs.5000/- each with two sureties of Rs. 2500/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the petitioner nos. 1 and 3 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 1 and 3 fail to appear before the trial court without any justifiable cause, the State shall be entitled to pray for cancellation of their bail.

The prayer for bail of petitioner nos. 1 and 3 is **allowed**.

The prayer for bail of petitioner no. 2 is **rejected**.

The Investigating Officer is directed to expedite the investigation and submit final report within a period of three months from the date of communication of a copy of this order.

CRM 6938 of 2021 is **disposed of**.

(Rajasekhar Mantha, J.)

(Kesang Doma Bhutia, J.)