

09.11.2021
Sl. No.28
akd
[ALLOWED]

C. R. M. 7093 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Dhubulia Police Station Case No. 127 of 2021 dated 21.04.2021 under Sections 341/114/302/34 of the Indian Penal Code.

And

In Re: ***Arabinda Mondal & Anr.***

... .. Petitioners

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das

... .. for the petitioners

Ms. Sukanya Bhattacharya
Mr. Nirupam Dhali

... .. for the State

It is submitted on behalf of the petitioners that there was a sudden quarrel between the parties and the deceased died four days after the incident. There was no intention to commit the murder of the deceased.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioners had assaulted the deceased with bamboo resulting in his death.

We have considered the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Although the witnesses speak of assault by the petitioners upon the deceased, we note that the deceased died after four days of the incident. It is contended that the incident occurred in the course of a sudden quarrel and on the spur of the moment without premeditation. In view of the aforesaid facts and circumstances and the period of detention suffered by the petitioners, we are of the opinion that further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) Arabinda Mondal & (2) Sahadeb Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)