

15.11.2021
23
sdas
allowed

CRM 7202 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 138 of 2021 dated 23.02.2021 under Sections 447/448/326/307/354/506/34 of the Indian Penal Code.

And

In Re : Choton alias Ashadul Mondal petitioner

Mr. Rakesh Ray

.....for the petitioner

Mr. P. K. Datta, learned A.P.P.

Mr. Santanu Deb Roy

..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 65 days. It is further submitted that the incident occurred in the course of a sudden fight.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the injury report. Whether the nature of injury would constitute the ingredients of offence under Section 307 of the Indian Penal Code may be assessed at the appropriate stage of the proceeding. However, in view of the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be

local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)