

13.12.2021
Court No.32
Item No. 28
Avijit Mitra

C.R.M. 7708 of 2021

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

And

In Re : Gour Chandra Sarkar @ Gour & anr.

Petitioners

Mr. Prabir Majumdar

For the Petitioner

Mr. Imran Ali,
Mr. M.F.A. Begg

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali Police Station Case No.569 of 2020 dated 27.10.2020 under sections 341/326/307/34 of the Indian Penal Code.

Mr. Majumdar, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated as there was a subsisting enmity between the parties. The present case is also a counter-blast to the complaint lodged on behalf of the petitioners herein pertaining to the same incident. One of the co-accused persons, namely, Gosaidas Sikdar has already been granted bail by a Coordinate Bench of this Court on 19th July, 2021 in CRM No.2750 of 2021. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioners, who are in custody for 131 days, is not warranted.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of witnesses and the injury report.

We have perused the materials on record including the statement of the witnesses. Upon assessment of the role of the present petitioners, we find that they are similarly situated with Gosaidas Sikdar, who had already been granted bail. Considering the nature of allegations, the extent of complicity and the period of detention already suffered, we are of the opinion that further detention of the petitioners is not necessary.

Accordingly, we allow this application and direct that the petitioners, namely, **Gour Chandra Sarkar @ Gour and Debesh Sarkar @ Debashis**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia with a further condition that the petitioners shall meet with the Officer-in-Charge, Hanskhali Police Station once a fortnight on and from 20th December, 2021.

The petitioners shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

With the aforesaid observations, the application for bail, being CRM No. 7708 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)