

20.12.2021
SL No.201
Saswata

CRM 8540 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bhimpur** P.S. Case No. **277/2020** dated **04.11.2020** under Sections **341/326/307/34** of the Indian Penal.

And

In the matter of: **Uttam Ghosh**

....Petitioner

Mr. Prabir Majumder

...for the Petitioner

Mr. Madhusudan Ghosh, APP

Mr. Dipankar Paramanick

...for the State.

Petitioner is in custody for 381 days.

It is submitted on behalf of the petitioner that the incident occurred in the course of a sudden quarrel during cultivation.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Intention to murder the deceased may be assessed in the light of the aforesaid submissions made on behalf of the petitioner during trial.

However, in view of the factual matrix and the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

The prayer for bail is thus allowed.

Let the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/-, with two sureties of like amount each one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Krishnagar, Nadia, subject

to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)