

20.01.2021
Court No.28
Item No. 35
Krishnendu
Bail Granted

CRM 8374 of 2020
(Via video Conference)

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

And

In Re : **Bimal Sk. & Ors.**

Petitioners

Mr. Sekhar Basu, Sr. Adv .

Mr. Kushal Mukherjee

Ms. Suchismita Dutta

Mr. Sayan Mukherjee

For the Petitioners

Mr. Madhusudan Sur, Id. A.P.P.

Mr. Aniket Mitra

For the State

Mrs. Karabi Roy

For the De facto Complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Palashipara Police Station Case No. 77 of 2020 dated 07.04.2020 under sections 302/447/324/325/307/34 of the Indian Penal Code.

Heard Mr. Basu, learned senior advocate appearing for the petitioners, Mr. Sur, learned Additional Public Prosecutor for the State and Mrs. Karabi Roy, learned advocate for the *de facto* complainant.

We have been informed that the petitioner nos.1, 2, 3 and 4 are in custody for 279 days, 287 days, 288 days and 223 days respectively. Upon completion of investigation, charge sheet has also been filed.

From the documents in the case diary, it appears that there was a long standing land dispute between the parties and that on the date of the alleged incident i.e., on 7th April, 2020, there was a free fight between the two groups and as a result thereof, members of both the groups suffered injuries. Reporting the said incident a complaint was also lodged against the *de facto* complainant and others by the associate of the present petitioners and the same was registered as Palashipara Police Station Case No. 78 of 2020 under sections 447/324/325/326/307/34 of the Indian Penal Code.

From the statement of one Parvina Mondal, recorded under section 164 of the Code of Criminal Procedure in Palashipara Police Station Case No. 77 of 2020, it *prima facie* appears that Shamser Sk. and ten to twelve others were the aggressors and they proceeded to the house of one Budu Sk. belonging to the group of the petitioners. Parvina Mondal has also stated that there were frequent disputes between the two groups pertaining to plots of land.

Without expressing any opinion on the merits or demerits of the rival submissions and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioners in the alleged offence and the period of custody, we are of the opinion that further custodial detention of the petitioners is not warranted.

Accordingly, we direct that the petitioners, namely, **Bimal Sk., Kamal Sk. alias Ibrahim, Sujan Sk. alias Alam Badsah and**

Shyamal Sk. alias Samar, 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia on condition that the petitioners shall stay outside the jurisdiction of Palashipara Police Station save and except attending the Trial Court on the dates specified. The petitioners shall also inform their address where they are residing to the Officer in Charge of Palashipara Police Station.

With the aforesaid observations, the application for bail, being CRM No. 8374 of 2020, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)