

4.1.2021
Item no. 8
Ct.5
G. S. Das

CRM 10724 of 2020

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 173 of 2020 dated 05.05.2020 under Sections 304/34 of the Indian Penal Code, 1860 and added Section 302 of the Indian Penal Code (G.R. Case No. 1923 of 2020)

And

In the matter of:-

Senaul Sk.

... Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.. for the petitioner

Mr. Rana Mukherjee
Ms. Sujata Das

..for the State

Leave is granted to Learned Counsel for the petitioner to amend the cause-title.

Learned Counsel for the petitioner seeks bail on the ground of his long detention of 121 days. It is submitted by Learned Counsel for the petitioner that the dispute leading to the death of the deceased occurred by reason of a free-fight between the neighbours over the use of a pathway.

Learned Additional Public Prosecutor raises objection referring to the statement of the witnesses together with the Post Mortem Report.

Having considered the materials collected in the C.D. and bearing in mind the allegations as revealed from the submissions of both sides and the fact that the charge-sheet has already been submitted coupled with the further fact that the required motive for the alleged offence is not conspicuous, which is ascertainable during trial, and as such, this Court is persuaded to grant bail to the petitioner subject to certain conditions.

The prayer for bail of the petitioner stands accordingly **Allowed.**

The petitioner (Senaull Sk.) may find bail of Rs.20,000/- (Rupees Twenty Thousand) only, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Learned Chief Judicial Magistrate, Malda on condition that the petitioner shall not tamper with the evidence and intimidate the witnesses in any manner whatsoever and further ensure his presence on each date of the trial.

CRM 10724 of 2020 stands thus **disposed of.**

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)