

01.02.2022
Serial no. 30
Aloke
Ct. No. 29

(Through Video Conference)
CRM (DB) 105 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2022 in connection with Pathar Pratima P.S. Case No. 51 dated 18.02.2021 under Sections 447/325/326/307/302/506/509/34 of the Indian Penal Code.

-And-

In the matter of : Brihaspati Maity

... ..Petitioner

Mr. Ayan Basu, Advocate
Mr. Sandip Kr. Mondal, Advocate
Mr. Sumit Routh, Advocate

... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Dipankar Paramanick, Advocate

... ..For the State

Mr. Gouranga Kr. Das, Advocate

... .. For the de facto complainant

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the deceased named a different person as the assailant and that such person is now enlarged on bail.

Learned Advocate appearing for the State draws the attention of the Court to the injury reports. He submits that the victim was initially referred to one hospital where he allegedly took the name of Sudhanshu Maity. It is not clear as to whether such name transpired from the statement of the victim himself, as the victim was unconscious. In support of the statement that the victim was unconscious, he refers to the statement recorded under Section 164 of the Code of Criminal Procedure of the son of the victim. He draws the attention of the Court to another report of another hospital in the morning where the patient party named the petitioner as the assailant.

At the stage of consideration of an application for grant of bail, the Court is not required to appraise the evidence finally. It transpires that the victim named Sudhanshu Maity as the assailant. Sudhanshu Maity is on bail. The other co-accused are on bail as appearing from the orders annexed to the application for bail.

Considering the fact that other co-accused are on bail and considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet, we are inclined to grant bail to the petitioner.

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, Kakdwip, South 24 Parganas, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 105 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)