

07.03.2022

Court No.32
rpan / **15**

CRM (DB) 246 of 2022

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

and

In Re.: **Bipodtaran Sutradhar & Another**

- Petitioners.

Mr. Santanu Deb Roy,
Mr. Kaustav Chatterjee
... for the Petitioners.
Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee
... for the State.

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Nanoor Police Station Case No.151 of 2020 dated 30.12.2020 under Sections 325/307/302/34 of the Indian Penal Code.

Mr. Deb Roy, learned advocate appearing for the petitioners submits that there was a hot altercation amongst the parties and the petitioners have been falsely implicated. The petitioner no.1 is presently aged about 65 years. Both the petitioners have suffered long incarceration for about 420 days. Upon completion of investigation charge sheet has also been submitted and in the said conspectus, further detention of the petitioners may not be necessary and they may be enlarged on bail on any stringent condition.

Drawing out attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code as well as the injury report, Mr. Banerjee, learned advocate appearing for the State, opposes the petitioners' prayer and submits that there are

strong incriminating materials on record against the petitioners and as such, the petitioners are not entitled to the relief as prayed for, more so when trial has already commenced.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that the fatal blow was inflicted by the petitioner no.2. In view of such complicity of the petitioner no.2 in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused at this stage.

However, it appears that the petitioner no.1 is aged about 65 years. He has already suffered incarceration for more than four hundred days. *Prima facie*, there is no possibility that he would flee from justice or would delay the trial by abscondence. In view thereof, we are of the opinion that his further detention is not necessary and his prayer for bail is allowed.

Accordingly, we direct that the petitioner no.1, namely, **Bipodtaran Sutradhar** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum.

It is further directed that the petitioner no.1 shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner no.1 fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 246 of 2022 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.)