

19.01.2022

Court No.32
rpan/**247**

CRM 6672 of 2021

[Through Video Conferencing]

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

And

In Re : **Sri Laltu Bose**

- Petitioner

Mr. Sandipan Ganguly,
Ms. Sananda Bhattacharyya
... for the Petitioner.
Mr. Saibal Bapuli,
Mr. Bibaswan Bhattacharya
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranaghat Police Station Case no.190 of 2021 dated 02.07.2021 under Sections 304/34 of the Indian Penal Code, 1860.

Mr. Ganguly, learned senior advocate appearing for the petitioner submits that the petitioner is languishing in custody for about two hundred days and charges have not yet been framed and as such, there is no possibility towards early conclusion of the trial. He further submits that no specific overt act has been attributed to the petitioner. The victim initially was admitted in a hospital on 28th June, 2021 and discharged on 29th July, 2021. Subsequent thereto, he was admitted in a nursing home on 1st July, 2021 and expired on the same date. However, such death was not due to the alleged injuries. Co-accused persons, namely, Hira Nandi and Mani Das, who are similarly situated with the

petitioner, have been granted anticipatory bail by a coordinate Bench of this Court. In the said conspectus of facts, the petitioner may be enlarged on bail on any stringent condition.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim's wife as recorded under Section 164 of the Code, the statements of other witnesses as recorded under Section 161 of the Code, the opinion of the doctor, who treated the victim and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. In the post-mortem report it has been stated that the '*death was due to the effects of diseased condition of vital organs*'. The opinion of the doctor was that injuries were caused by a blunt force and was not by itself enough to cause death in its normal course.

We have assessed the role attributed to the petitioner in the backdrop of the above facts. We also find that the petitioner had already suffered long incarceration for a period of 200 days and there is no possibility towards conclusion of the trial in the near future. Upon completion of investigation charge sheet had already been submitted. In the said conspectus, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sri Laltu Bose**, 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, Ranaghat, Nadia.

It is further directed that the petitioner 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 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 No.6672 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J)