

01.08.2022
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allowed

CRM(DB) No. 2540 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bauria Police Station Case No. 08 of 2020 dated 20.01.2020 under Sections 341/323/325/307/34 of the Indian Penal Code and Section 24 of the Maintenance and Welfare of Parents and Senior Citizen Act.
And

In Re : Sannasi Rao petitioner

Mr. Tauhid Khan
Mrs. Marufa Mondal
.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

Learned Counsel appearing for the petitioner submits there was a family dispute and petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had assaulted his mother.

We have considered the materials on record. Allegation of assault requires to be assessed in the light of the submission that there was a family dispute and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined in granting bail to the petitioner, however, subject to strict conditions to ensure safety and security of the de facto complainant.

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, Uluberia, Howrah, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter into the jurisdiction of Bauria Police Station and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)