

09.02. 2022

Court No.32

rpan / **280**

C.R.M. 8020 of 2021

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

And

In Re.: **Jamel Barman @ Jamal Barman**

- Petitioner

Mr. Kallol Mondal,
Mr. Amanul Islam,
Mr. Krishan Roy,
Mr. Arup Sarkar,
Mr. Sourav Mukherjee,
Mr. Souvik Das,
Ms. Anamitra Banerjee
... for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Kumar Das
... for the State.

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat Police Station Case No.387 of 2021 dated 26.07.2021 under Sections 447/341/325/326/307 of the Indian Penal Code, 1860.

Mr. Mondal, learned advocate appearing for the petitioner submits that there was a hot altercation between the parties pertaining to cultivation of plots of land. The petitioner and the *de facto* complainant are neighbours. The incident occurred on the spur of the moment without intending the consequences to actually follow. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 198 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the injury reports. He further submits that there are strong incriminating materials on record against the petitioner and as such, he is not entitled to the relief as prayed for.

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

Prima facie, it appears that there was a dispute amongst the parties pertaining to the landed property and the incident occurred on the spur of the moment following a hot altercation. Considering the possible extent of complicity of the petitioner in the alleged offence and the period of incarceration already suffered by him, we are of the opinion that further detention is not warranted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely **Jamel Barman @ Jamal Barman**, 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 Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat with a further condition that he shall not enter the jurisdiction of Balurghat Police Station until further orders, save and except for attending the Trial Court on the dates specified for hearing and he shall also intimate the address where he would be residing to the Officer-in-Charge of Balurghat Police Station immediately.

It is further directed that the petitioner 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 trial court below shall be at liberty to cancel his bail, in accordance with law, without any further reference to this Court.

With the aforesaid observations, the application for bail, being C.R.M. 8020 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)