

23.08.2022
cm/ct 28
sl no. 28

C.R.M. (DB) 2813 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kolaghat P.S. Case No. 211 of 2021 dated 07.06.2021 under Section 447/323/325/307/354B/427/506/34 of the Indian Penal Code and added Section 324/326 of the Indian Penal Code.

Allowed

In Re : Ashok Samanta & Ors.

..... petitioners

Mr. Amitabha Karmakar
Mr. Arup Kr. Bhowmick

..... for the petitioners

Mr. Prasun Kumar Datta, Ld. A.P.P.
Mr. Santanu Deb Roy

..... for the State

Petitioners are in custody for 46 days. It is submitted that there was a free fight between the parties.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Prosecution case requires to be assessed in the light of the submission that there was a free fight between the parties.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM(DB) No. 2813 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)