

03.01.2022
Court No.32
Item No. 54
Avijit Mitra

C.R.M. 8221 of 2021

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

And

In Re : Gour Chandra Sarkar @ Gour & anr.

Petitioners

Mr. Prabir Majumder

For the Petitioners

Mr. Debabrata Chatterjee,
Ms. Manisha Sharma,
Ms. Mousumi Sarkar

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali Police Station Case No. 571 of 2020 dated 27.10.2020 under sections 341/326/307/34 of the Indian Penal Code.

Mr. Majumder, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in view of a previous enmity. Pertaining to the same incident, two complaints were lodged by the respective parties. One co-accused person, namely, Gosaidas Sikdar had already been enlarged on bail by a Coordinate Bench of this Court on 3rd June, 2021. The petitioners had already suffered incarceration for a period of 162 days. Upon completion of investigation chargesheet has also been submitted and as such, the petitioners may be enlarged on bail on any stringent condition.

The learned advocate appearing for the State, however, opposes the petitioners' prayer and submits that the co-accused person namely Gosaidas Sikdar was granted bail considering his age. Overt acts have been attributed to the petitioners herein and they were directly involved in the alleged offence.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statement of the witnesses as recorded under Section 161 of the Code, the nature of allegations, the period of detention already suffered and the extent of the petitioners' complicity, we are of the opinion that further detention is not necessary. However, their movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Gour Chandra Sarkar @ Gour and Debesh Sarkar @ Debashis**, 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, with a further condition that the petitioners shall not enter the jurisdiction of Hanskhali Police Station until further orders and shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners' fail to comply with the aforesaid directions without any justifiable cause,

the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

Accordingly, the application for bail, being CRM No.8221 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)