

06.01.2022
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allowed

**CRM 8756 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burwan Police Station Case No. 239 of 2021 dated 26.08.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re : Lalmukhi Bagdi & Anr. petitioners

Mr. Manas Kumar Das

.....for the petitioners

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

..... for the State

It is submitted by the learned Counsel appearing for the petitioners that petitioner no. 1 is in custody for 132 days and petitioner no. 2 is in custody for 101 days. It is also submitted that the deceased came in a drunken condition and misbehaved with petitioner no. 1, who is the wife of the deceased. A quarrel ensued and in the course of skirmish, victim died.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered material on record including statements of the witnesses. Witnesses stated that the deceased came in a drunken condition and misbehaved with the petitioner no. 1.

In view of the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Kandi, Murshidabad, subject to the condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)