

20.09.2022
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allowed

CRM(DB) No. 3170 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 360 of 2022 dated 28.05.2022 under Sections 341/326/307/506/34 of the Indian Penal Code.

And

In Re : Dipankar Biswas petitioner

Ms. Sananda Bhattacharyya
Ms. Kaberi Mukherjee
.....for the petitioner

Mr. Joydeep Roy
Mr. Amanul Islam
..... for the State

Learned Counsel for the petitioner submits he is in custody for 60 days. It is also submitted that there was a free fight between the parties. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Allegation of assault requires to be assessed in the light of the submission there was a free fight between the parties and the investigation is complete.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

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, Ranaghat, Nadia, on condition 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.

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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)