

05.12.2022
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 4033 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.11.2022 in connection with Bhadreswar Police Station Case No. 595 of 2022 dated 31.10.2022 under Sections 186/189/286/332/333/353/307/504/506/34 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act.

And

In Re: **Joyprakash Sha & Ors.**

... .. Petitioners

Mr. Arunava Ganguly

... .. for the petitioners

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 40 days. It is further submitted there was a skirmish over celebrating *chath* puja.

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

We have considered the materials on record. Allegation of assault is to be assessed in the light of the submission there was a skirmish between the petitioners and police personnel over celebration of *chath* puja. One of the family members of the petitioners also suffered injuries. Injuries suffered by the police personnel are simple. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Joyprakash Sha, (2) Niranjan Sha & (3) Raju Sha**, 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 learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)