

19.12.2022.
18.
as
(Allowed)

C.R.M. (DB) 4354 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail P. S. Case No.1012 of 2019 dated 12.12.2019 under Sections 448/509/506/325/315/34 of the Indian Penal Code.

In the matter of : Arnab Ghosh.

.... Petitioner.

Mrs. Anasuya Sinha,
Mr. Achin Jana,
Mr. Prosenjit Ghosh.

...for the Petitioner.

Mr. S. S. Imam, Jr. Govt. Adv.,
Mr. R. Jana.

...for the State.

Mr. Iqbal Kabir.

...for the de-facto complainant.

Petitioner is in custody for 148 days. It is submitted there is no progress in the matter since rejection of bail of the petitioner by this Court.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail. He submits petitioner has criminal antecedents.

In view of the submission of the petitioner regarding delay in the proceeding, we called for a report with regard to status of the proceeding. No report is forthcoming as I.O. is transferred. We are informed that the date has been fixed for appearance of the accuseds on 22nd December, 2022.

In this backdrop we have considered the materials on record. Petitioner had kicked the victim on her abdomen. Whether the petitioner had knowledge that the victim was in the family way requires to be gone into during trial. There is little progress in the matter since rejection of bail of the petitioner by this Court. Date has also not been fixed for consideration of charge. With regard to criminal antecedents, we note that the dispute involves family members of the petitioner.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner viz., Arnab Ghosh 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 local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Sankrail Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)