

15.12.2022
tkm/ct 28
sl no. 41

C.R.M. (DB) 4408 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Goghat P.S case no. 321 of 2022 dated 21.11.2022 under sections 341/325/326/307/504/34 of the IPC
and

Allowed

In Re : Sourav Koley & Anr.

..... petitioners

Mr. N S Ghosh
Ms. S Choudhury
Ms. S Chatterjee
Mr. Sourav Mondal

..... for the petitioners

Mr. Prasun Kr. Datta
Mr. Pradipto Ganguly

..... for the State

Petitioners are in custody for about a month. It is submitted there was a dispute between neighbours. They have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits petitioners were implicated in an earlier case.

We have considered the materials on record including the injury report. Whether the injury was life threatening or not requires to be ascertained at the appropriate stage of the proceeding. However, keeping in mind the facts and circumstances of the case we are of the opinion further detention of the petitioners may not be necessary but his movement requires to be restricted in order to avoid commission of further offences.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM, Arambagh, Hooghly on condition that the petitioners shall appear before the trial court on every date of

hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not enter the jurisdiction of Goghat P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where they shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction they shall presently reside once in a week until further orders.

. 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 being CRM (DB) 4408 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)