

14.03.2023
31
sdas
allowed

CRM(DB) No. 918 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampur Police Station Case No. 325 of 2020 dated 20.10.2020 under Sections 448/326/307/354/506/34 of the Indian Penal Code subsequently adding Sections 302/354B of the Indian Penal Code.

And
In Re : Abu Rehan Ansari @ Polo petitioner

Mr. Bitasok Banerjee
.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
..... for the State

Learned Counsel for the petitioner submits he is in custody for two years and four months. It is also submitted there was a sudden fight. Petitioner had been assaulted by the husband of the deceased. He did not have the intention to murder the victim. He renews his prayer for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the principal assailant.

We have considered the materials on record. There was a free fight between the parties. Petitioner had been assaulted by the husband of the deceased. A skirmish ensued. In the course of the fight, petitioner assaulted the victim with a bamboo. As a result she died. Whether the petitioner intended to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial. Bearing in mind the aforesaid facts and the period of detention suffered by the petitioner and as there

is no progress in the matter since earlier rejection of bail by this Court, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Serampore, Hooghly, subject to the condition that petitioner 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 petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)