

27.04.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 1697 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.04.2023 in connection with Arambagh Police Station Case No.354 of 2022 dated 08.12.2022 under Sections 341/325/326/308/504/506/34/304 of the Indian Penal Code. (G.R. Case No.1471 of 2022)

And

In Re: ***Jhuma Sing & Ors.***

... .. Petitioners

Mr. Sourov Mondal

... .. for the petitioners

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 33 days. It is further submitted petitioners are not the principal assailants. They did not share the common intention to commit culpable homicide. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioners and co-accused conjointly assaulted the victim.

We have considered the materials on record. Petitioners had participated in the assault but it does not appear that they are the principal assailants. There is no chance of their abscondence. Victim survived for over a month. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) Jhuma Sing, (2) Monika Sing & (3) Pratima Sing**, 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, Arambagh, 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.)