

D/L2
16.05.2023
Bpg.

C.R.M. (SB) 97 of 2023

In Re: An application under Section 439 of the Code of Criminal Procedure, 1973 filed in connection Barikul Police Station Case No.14 of 2023 dated 04.03.2023 under Sections 325/326/307 of the Indian Penal Code;

Gopal Pramanick
Versus
The State of West Bengal

Mr. Debasish Sur,
Ms. Oindrila Chowdhury,
Mr. Ashok Kr. Chowdhury.
...for the petitioner.

Ms. Zareen N. Khan,
Mr. Asif Dewan.
...for the State.

The petitioner was arrested in connection with the instant case on 15th March, 2023 and since then he is in custody. Learned advocate appearing for the petitioner submits that charge-sheet has already been submitted and further detention of the petitioner is unwarranted in the background of the facts of the instant case.

Learned advocate appearing for the State produces the case diary as also memo of evidence. It has been pointed out that the case has already been committed to the court of sessions and next date has been fixed on 13th June, 2023.

I have considered the statement of the injured and I find that the dispute arose in relation to distribution of water in the field between the injured and the present petitioner when the present

petitioner with the aid of spade inflicted blow on the head of the injured. The injury report reflects that there are injuries.

Taking into account the facts as is reflected particularly that the incident happened at the spur of the moment and the fact that there are no criminal antecedent of the petitioner, I am of the opinion that further detention of the petitioner is unwarranted in the facts of the present case. The prayer for bail, as such, is allowed.

Accordingly, the petitioner namely, Gopal Pramanick shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura.

If on bail the petitioner shall stay outside the jurisdiction of Barikul Police Station and shall enter the jurisdiction only for the limited purpose of attending the Officer-in-Charge or any Officer deputed by the Officer-in-Charge once in a week till further orders of this Court. The petitioner shall inform his place of residence after being released both to the Officer-in-Charge/Inspector-in-Charge as well as the learned sessions judge in *seisin* of the trial of the case.

As the date for framing of charge has already been fixed by the learned sessions court, petitioner is directed to be positively present on the date fixed and be physically present on subsequent dates so fixed by the trial court. Any violation of any of the conditions as mentioned above would entitle the learned sessions judge in *seisin* of the matter to cancel the bail of the petitioner

without further reference to this Court.

Accordingly, CRM (SB) 97 of 2023 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)