

12.05.2023
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Partly Allowed

CRM (DB) No. 1887 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 69 of 2023 dated 12.02.2023 under Sections 304/34 of the Indian Penal Code.

And

In Re : Nepal Ghosh & Anr. petitioners

Ms. Roma Roy
Mr. Manojit Debnath

.....for the petitioners

Ms. Zareen N. Khan
Mr. Ashok Das

....for the State

Learned Counsel for the petitioners submits they are related to the victim. It is further submitted there was a free fight over partition of property between them. Petitioners also suffered injuries. They had no intention to murder the victim. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner no. 1 is the father of the victim while petitioner no. 2 is his brother. Though it is contended there was a free fight we note medical report of petitioner no. 1 annexed to the petition does not relate to the incident. He had been admitted in the hospital on 09.02.2023 and discharged on the date of the incident. In view of the aforesaid fact, role of petitioner no. 1 in the crime

appears to be improbable. Hence, we are inclined to grant bail to petitioner no. 1.

Accordingly, we direct that petitioner no. 1 viz. Nepal 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the condition that he shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, petitioner no. 1 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, accordingly, allowed in so far as petitioner nos. 1 is concerned.

In view of the statements of the witnesses implicating petitioner no. 2 viz. Pradip Ghosh in the crime, we are not inclined to grant bail to him at this stage.

The application for bail in so far as petitioner no. 2 is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

