

12.05.2023
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allowed

CRM(DB) No. 1894 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 541 of 2022 dated 25.11.2022 under Sections 427/326/435/307 of the Indian Penal Code.

And
In Re : Robi Mondal @ Rabi Mandal petitioner

Mr. Somnath Adhikary
Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
....for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu
Mr. Anand Keshari
.... for the State

Learned Counsel for the petitioner submits he is in custody for 180 days. It is also submitted enclosure where goats were kept is alleged to have been set on fire. Petitioner did not intend to cause harm to the victims. He prays for bail.

Learned Counsel for the State opposes the bail prayer and submits victims suffered burn injuries.

We have considered the materials on record. There was prior dispute between the parties. It is alleged that the petitioner had set on fire the enclosure where goats were kept. Victims suffered burn injuries presumably during their efforts to save the cattle. Petitioner did not intend to set the victims on fire. Keeping in mind the aforesaid facts, delay in lodging FIR, period of detention suffered by the petitioner and as investigation is complete, 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 Chief Judicial Magistrate, Murshidabad, subject to conditions 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.)