

09.02.2024.
34.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 413 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.696 of 2023 dated 30.09.2023 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 304/34 of the Indian Penal Code.

In the matter of : **Shyamal Biswas & Anr.**

.... Petitioners.

Ms. Minoti Gomes,
Ms. Dona Sanyal.

...for the Petitioners.

Mr. Abhra Mukherjee,
Mr. S. Kundu.

...for the State.

1. Petitioners submit they did not intend to murder the victim. He suffered from an enlarged heart and died due to excessive agitation during skirmish. Accordingly, they pray for bail.
2. Learned Advocate for the opposes the bail prayer. He submits petitioner had a scuffle with the victim who was an elderly person. As a result, he died.
3. We have considered the materials on record. Petitioner No.2 is the daughter-in-law of the deceased. She was caught in a comprising position with petitioner No.1. A skirmish ensued between petitioners on the one hand and petitioner No.2's husband and her father-in-law i.e. the victim on the other hand. In the course of scuffle, victim a 65 year old man died. Post mortem report shows his heart was enlarged and there

was haematoma in the fourth chamber. No external injuries on the body is noted.

4. Under such circumstances, defence version the victim may have died due to over excitement in the course of scuffle cannot be ruled out.

5. Hence, we are inclined to grant bail to the petitioners.

6. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 condition that they 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.

7. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)