

06.03.2024
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allowed

CRM(DB) No. 729 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur Police Station Case No. 6 of 2022 dated 07.01.2022 under Sections 341/304/34 of the Indian Penal Code.

And

In Re : Sankar Tantubai @ Shib Sankar Tantubai & Anr.
..... petitioners

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly
Mr. Kaustav Banerjee

....for the petitioners

Mr. Debabrata Chatterjee, learned APP
Ms. Pritha Paul

.... for the State

1. Petitioner no. 1 is in custody for more than two years and petitioner no. 2 is in custody for one year and seven months. Co-accused have been enlarged on bail. Accordingly, they pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits witnesses named the petitioners as assailants in their statements before learned Magistrate.

3. We have considered the materials on record. Though it is alleged petitioners assaulted the victim, they were not armed. Incident occurred in the course of a sudden quarrel. Under such circumstances, co-accused have been enlarged on bail. Accordingly, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that 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 Chief Judicial Magistrate, Paschim Bardhaman, subject to condition that 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)