

18.04.2024
Sl. No.78
akd
[ALLOWED]

C. R. M. (DB) 1199 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.04.2024 in connection with Goghat Police Station Case No.19 of 2024 dated 08.01.2024 under Sections 304/34 of the Indian Penal Code. (G.R. Case No.51 of 2024)

And

In Re: **Bhanu Das & Anr.**

... .. Petitioners

Mr. Subhajit Manna
Mr. Shounak Mondal

... .. for the petitioners

Ms. Sreyashee Biswas
Mr. Karan Bapuli

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for more than three months. It is further submitted petitioners have been falsely implicated. Investigation is complete. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioners had assaulted the victim as he had married their daughter against their will.
3. We have considered the materials on record. There was an altercation between the petitioners and the victim. In course of altercation, petitioners assaulted the victim. As a result, he fell on a pole and suffered head injuries. Thereafter he died. In view of the aforesaid circumstances, it cannot be said petitioners shared the intention to murder the victim. Investigation is complete. There is no chance of abscondence. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

4. Therefore, the petitioners, namely **(1) Bhanu Das & (2) Ashima Das**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the said 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)