

05.11.2024.
90.
Ct.No.28.
as/sdas
(Allowed)

C.R.M. (DB) 3374 of 2024

In Re:- An application for bail under 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Kalyani
P.S. Case No.570 of 2024 dated 25.07.2024 under Sections
103(2) of the Bharatiya Nyaya Sanhita, 2023.

In the matter of : ***Kumar Hembram @ Enta & Ors.***

.... Petitioners.

Mr. Shibaji Kr. Das,
Mr. Dipendu Sarkar,
Ms. Deblina De.

...for the Petitioners.

Mr. Ranadeb Sengupta,
Mr. S. Basu Roy Choudhuri.

...for the State.

1. Petitioners submit victim had stolen a goat. When people chased him he fell down and suffered injuries. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses reveal that petitioners had assaulted the victim on the suspicion he committed theft. On the other hand, petitioner contends victim was in an inebriated state and had fallen down while running away and suffered injuries. Rival versions may be thrashed out in course of investigation. There is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioners.
5. Accordingly, the petitioners viz., ***1) Kumar Hembram @ Enta, 2) Somray Hembram and 3) Arjun Murmu @ Mona***

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, Kalyani, 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)