

20 20.10.2020
rkd Ct. no.03
(Allowed)

C.R.M. 8134 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Maheshtala** P.S. Case No. **704 of 2019** dated **19/11/2019** under Sections **279/338/304(II)/427** of the Indian Penal Code and under Sections **119/177/181/183/184/185** of the Motor Vehicles Act.

And

In the matter of: Surabuddin Munshi

....petitioner.

Mr. S. Chatterjee,
Mr. S. Nag

...for the petitioner.

Mr. B. Panda

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Petitioner is in custody for 336 days.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that the ingredients of the offence punishable under Section 304 of the Indian Penal Code are not disclosed to the facts of the case as the victims died in the course of a road traffic accident and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner are directed to 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 Additional Chief Judicial Magistrate, Fast Track Court No.6, Alipore, South 24 Parganas subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)