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CRA 84 of 2019

In re: An application under Section 374(2) of the Code of Criminal Procedure in connection with Panchla Police Station case No. 08 of 2012 dated 17.01.2012 under Section 341/325/304 of the Indian Penal Code.

In the matter of : Buddhadeb Das

.... Petitioner

Mr. Kallol Mondal,

Mr. Krishan Ray,

Ms. Amrita Chel,

Mr. Souvik Das,

Mr. Anamitra Banerjee For the appellant

Mr. Ranabir Roy Chowdhury,

Mr. Mainak Gupta for the State

Having heard the learned advocate for the appellant/petitioner and on perusal of the impugned judgment as well as the copies of the evidence it is ascertained that the appellant was convicted and sentenced to suffer imprisonment for seven years for committing offence under Section 304 of the Indian Penal Code along with other cognate penal provisions. The appellant was held guilty on the basis of the evidence of P.W. 3, Tukai Roy. However, from the cross –examination of the investigating officer (P.W.12) it is ascertained that P.W. 3 did not state him that the appellant had assaulted the deceased with the help of lathi and he gave vital blow to the deceased.

In view of such circumstances, I am inclined to release the appellant on bail. The appellant is enlarged on bail of Rs. 20,000/- with two sureties

of like amount to the satisfaction of the learned Chief Judicial Magistrate, Howrah with further condition that he will produce the residential address to the Officer-in-Charge of the police station by swearing an affidavit and shall meet the Officer-in-Charge of the local Police Station once in a month till the disposal of the instant appeal.

(Bibek Chaudhuri, J.)