

19.08.2021
Item no.35.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2124 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.02.2021 in connection with Kotwali Police Station Case No.653 of 2020 Dated 6.9.2020 under Section 302 of the Indian Penal Code

And

In the matter of : Prakash Sarkar

.....Petitioner.

Mr. Khalid Hasanfor the Petitioner.

Mr. S. G. Mukherjee, Id. PP,
Mr. Partha Pratim Das,
Ms. Manasi Royfor the State.

The allegation against the petitioner is under Section 302 of the Penal Code.

The petitioner submits that he stabbed the victim with a knife upon sudden provocation and had no intention to murder the victim.

The State opposes the prayer for bail and refers to the statements of witnesses recorded under Sections 161/164 of the Code in the case diary as well as injury report of the victim.

We have perused the material in the case diary. Charge sheet has been submitted upon completion of investigation. It

prima facie appears that there was an altercation between the petitioner and the victim following which the petitioner allegedly stabbed the victim with a knife. The incident does not appear to be premeditated.

Upon consideration of the material in the case diary as well as the nature and gravity of the offence as also the extent of involvement of the petitioner therein, we are inclined to hold that his further custodial detention may not be necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall 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 Chief Judicial Magistrate, Nadia at Krishnanagar, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)