

08.11.2021
Sl. No.38
akd
[ALLOWED]

C. R. M. 2966 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.03.2021 in connection with Regent Park Police Station Case No. 31 of 2020 dated 18.02.2020 under Section 304 of the Indian Penal Code.

And

In Re: ***Rakesh Dutta***

... .. Petitioner

Mr. Pawan Kumar Gupta
Mr. Kaushik Chowdhury

... .. for the petitioner

Ms. Zareen N. Khan
Ms. Sreeparna Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 500 days. It is further submitted due to extreme poverty, the petitioner was unable to make two ends meet. Under such circumstances, there was an altercation with his mother who succumbed to her injuries. There was no intention to commit the murder.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner assaulted his mother who ultimately died.

We have considered the materials on record. The incident arose due to abject poverty in the family. The petitioner and his mother were unable to pay for essentials including electricity bills. In this backdrop, there was an altercation and in the course of altercation, the petitioner assaulted his mother resulting in her death. Nothing is placed on record to show that the petitioner intended to commit the murder. In view of the aforesaid fact and bearing in mind the protracted period of

detention suffered by the petitioner i.e. over 500 days, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rakesh Dutta***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipore, 24-Parganas (South) subject to condition that the said petitioner 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.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)