

29.07.2021
Item no. 25
Court No.32.
S.De.(s)
(Allowed)

(Via Video Conference)

CRM 3576 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.04.2021 in connection with Habibpur Police Station Case No. 01 of 2021 Dated 01.01.2021 under Section 302 of the Indian Penal, subsequently chargesheet submitted against petitioner under Sections 304 of the Indian Penal Code.

And

In the matter of : Refta Kisku @ Refra Kisku.

.....Petitioner.

Mr. Sandipan Ganguly, Sr. Advocate,
Mr. Jaydeep Biswas, Advocate,
Mr. Kaushik Ghosh, Advocate,

.....for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Pramanick, Advocate,

.....for the State.

The petitioner is in custody for more than two hundred days and prays for bail. Initially, the allegation against the petitioner was under Section 302 of the Indian Penal Code. Charge sheet has been submitted against him under Section 304 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he had no intention to kill his mother. On the fateful day, when he returned home from work, he found his mother consuming

liquor with a person with whom she allegedly had illicit relation. Unable to bear such sight, he tried to push off the man and in the process, his mother fell on the ground and sustained injuries. Subsequently, she succumbed to the injuries.

The petitioner is in custody for a considerable period of time and charge sheet has been submitted after completion of investigation.

The State opposes the prayer for bail and produces the case diary. The State also refers to the statement of one Saheb Mardi recorded under Section 164 of the Code of Criminal Procedure.

We have considered the material on record. Charge sheet has been submitted against the petitioner under Section 304 of the Indian Penal Code. Whether or not the petitioner had any intention of causing death of his mother may be considered at the appropriate stage of the proceedings. At this stage having considered the period of detention of the petitioner, nature of the allegation as well as the fact that the charge sheet has been submitted, we are inclined to hold that further detention of the petitioner is not necessary. He may be enlarged on 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 C.J.M., Malda 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.)