

29.09.2021

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Ct. No. 29

KAUSHIK

Allowed

**C.R.M. 5108 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dasnagar** Police Station Case No. **52** of **2021** dated **18.04.2021** under Sections 304/34 of the Indian Penal Code.

And

In Re : Subrata Pakhira

..... petitioner

Mr. Debarshi Brahma
Ms. Sangita Mukherjee

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is of advance age. The petitioner is the brother of the deceased. The police submitted charge-sheet therefore, further detention of the petitioner is not required. He submits that, there are differences between in the First Information report and the statements recorded under Section 164 of the Criminal Procedure Code. The FIR was lodged by one of the sisters of the deceased who resides at a long distance from the place of occurrence.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report and the statement recorded under Section 164 of the Code of Criminal Procedure.

Considering the advanced age of the petitioner and considering the statement recorded under Section 164 of the Code of Criminal Procedure as also the post mortem report and considering the fact that the police submitted charge-sheet, we grant bail to the petitioner.

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, Howrah**, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)