

11.02.2022

Sl. 22

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 402 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2022 in connection with **Chanchal** P.S. Case No. **928 of 2021** dated **23/10/2021** under Sections **498(A)/304(B)/302** of the Indian Penal Code.

And

In the matter of: Ataur Khan

....petitioner

Mr. Rana Kukherjee

...for the petitioner.

Mr. Saswata Gopal Mukherji

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that that the petitioner is in custody for 135 days. The police filed charge-sheet. In fact, the petitioner received the documents under Section 207 of the Criminal Procedure Code. He refers to the post mortem report, the opinion of the doctor and the opinion of the police with regard to the incident. He submits that there is no eyewitness according to the prosecution. The medical opinion is inconclusive with regard to the fact whether the death was homicidal or not.

Learned Public Prosecutor draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code and to the post mortem report.

Considering the materials in the case diary and considering the documents which the learned Advocate for the petitioner relies as noted above and considering the period of detention of the petitioner, we grant bail to the petitioner.

Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Chancal, Malda subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. (DB) 402 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

