

06.04.2022
Serial no. 35
Aloke
Ct. No. 29

CRM (DB) 901 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 31.03.2022 in connection with Hanskhali P.S. Case No. 782 of 2021 dated 11.11.2021 under Sections 302/34 of the Indian Penal Code.

-And-

In the matter of : Rahul Biswas

... ...Petitioner

Mr. Prabir Mazumder, Advocate

... ... For the Petitioner

Mr. Saibal Bapuli, Id. APP

Mr. Bibaswan Bhattacharya, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 143 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the postmortem report of the victim.

The postmortem report states that the death is primarily due to shock and hemorrhage of the victim.

Prima facie, it appears that the death was due to accident.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the contents of the postmortem report, we are inclined to grant bail to petitioner.

Accordingly, we direct that the petitioner shall 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, Ranaghat, Nadia, subject to condition that petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 901 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)