

10.06.2022

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Allowed

C.R.M. (DB) 1486 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Police Station Case No. 96 of 2021 dated 09.06.2021 under Section 302 of the Indian Penal Code.

And

In Re : Debangsu Chattaraj petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Biswajit Manna

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mr. Pinak Kumar Mitra

....for the State

Mr. Samiran Mandal

Mr. Abhinaba Dan

Mr. Nitish Samanta

.... for de facto complainant

Petitioner renewed his prayer for bail.

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 368 days. There was a scuffle between the parties. It is also contended that petitioner acted in a fit of passion.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the matter has been committed to the court of sessions.

Learned Counsel appearing for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record. Incident occurred after mother of the petitioner had suffered injuries.

Petitioner became agitated and had assaulted the victim. Incident does not appear to be a pre-meditated one.

Keeping in mind the aforesaid facts and as the progress in the matter since earlier rejection of bail by this Court is not appreciable, we are inclined in granting bail to the petitioner in the instant case, however subject to conditions.

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 Chief Judicial Magistrate, Bankura, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter into the jurisdiction of Bankura Police Station and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

