

11.07.2022
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allowed

CRM(DB) No. 2205 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakulia Police Station Case No. 127 of 2022 dated 09.05.2022 under Sections 279/337/338/307/427 of the Indian Penal Code (added Section 302 of the Indian Penal Code.

And

In Re : Bablu Kisku petitioner

Mr. Supreem Naskar

.....for the petitioner

Mr. Neguive Ahmed, learned APP

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 46 days. It is further contended that the victim died due to a road accident. Ingredients of offence under Section 302 of the Indian Penal Code are not disclosed in the facts of the case.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Bearing in mind the nature of allegations in the light of the aforesaid submissions made on behalf of the petitioner and the period of detention suffered by him, we are inclined to grant bail to the 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, Islampur, Uttar Dinajpur, subject to the condition that the 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 application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)