

18.07.2022
tkm/ct 28
sl no. 48

C.R.M. (DB) 2366 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hastings P.S Case no. 157 of 2021 dated 17.12.2021 under sections 341/325/114 and added section 304 IPC
And

Allowed

In Re : Rajesh Sk. petitioner

Md. Z Uddin
Ms. Amrin Khatun
Mr. Faisal Ahmed

.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Petitioner is in custody for five months. It is submitted investigation is complete. Victim survived for 20 days. There was no intention to murder the victim.

Learned lawyer for the State opposes the prayer for bail and submits petitioner is the son-in-law of the victim. He assaulted him. As a result victim died.

We have considered the materials on record. Whether petitioner intended to murder the victim requires to be assessed during trial. Balancing the nature of offence with the period detention suffered by the petitioner and as investigation is complete, we are inclined to 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 CMM, Calcutta on condition that the petitioner shall appear before

the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 automatically without reference to this court.

The application being CRM (DB) 2366 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)