

22.07.2022  
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allowed

**CRM(DB) No. 2417 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 428 of 2021 dated 21.09.2021 under Section 302 of the Indian Penal Code.

And

In Re : Biplab Debnath ..... petitioner

Ms. Tanusri Chanda  
.....for the petitioner

Ms. Zareen N. Khan  
Md. Kutubuddin  
..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 101 days. It is also submitted that there was a dispute amongst family members. Victim who is the uncle of the petitioner stabbed him in the abdomen. Petitioner retaliated and hit him on the head. Victim died. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and produces the case diary.

We have considered the materials on record. Incident occurred in the course of a sudden quarrel. Victim was the aggressor and petitioner suffered stab injury in his abdomen inflicted by the victim.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner i.e. 101 days and as investigation is complete, 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 Sessions Judge, Nabadwip, Nadia, 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.

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.)**