

29.07.2022
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allowed

CRM(DB) No. 2524 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur Police Station Case No. 413 of 2021 dated 22.10.2021 under Sections 341/323/302/34 of the Indian Penal Code along with charge-sheet under Section 302 of the Indian Penal Code.

And

In Re : Amit Pramanick petitioner

Mr. Arun Kumar Maity
Mr. Subhajit Chatterjee
Mr. Sourav Mishra
Mr. S. S Khan

.....for the petitioner

Mr. Saswata Gopal Mukherji, learned P.P.
Mr. Partha Pratim Das
Mrs. Manasi Roy

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for nine months. It is also submitted that the incident occurred in the course of a sudden quarrel. Petitioner did not intend to murder the victim.

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

We have considered the materials on record. Statements of witnesses show incident occurred in the course of a sudden quarrel. During quarrel petitioner pushed the victim who suffered injury.

In view of the aforesaid circumstances, we are of the opinion whether the petitioner intended to murder the victim requires to be assessed during trial. Petitioner has already suffered

detention for about nine months and investigation is complete. Hence, we are inclined in granting bail to him.

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, Uluberia, Howrah, 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 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.)