

05.08.2022
Sl. No.12
akd
[ALLOWED]

C. R. M. (DB) 2618 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.08.2022 in connection with Hura Police Station Case No.28 of 2022 dated 19.02.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Rathindranath Sharma***

... .. Petitioner

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 166 days. It is further submitted deceased had misbehaved with the wife of the petitioner. A quarrel ensued. In course of quarrel, petitioner strangled the victim. He had committed the act in course of a sudden quarrel and in a fit of rage.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner strangled the victim and made extra-judicial confession.

We have considered the materials on record. Victim had misbehaved with the wife of the petitioner. Due to sudden and grave provocation given by the victim, petitioner committed the act. Whether the incident would attract exceptions to Section 300 IPC requires to be assessed during trial. In view of the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rathindranath Sharma***, 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, Purulia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)