

CRM 8807 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Pravat Kumar Das @ Laltu Das

.....Petitioner

Mr. Prabir Majumder

.....for the Petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Krishnagar Kotwali P.S. Case No. 334/2021 dated 6.4.2021 under Section 304 of the Indian Penal Code.

Mr. Majumder, learned lawyer appearing for the petitioner submitted that the petitioner is in custody for about 221 days. Charge sheet has been filed. Further custodial detention is not necessary. The incident is unfortunate and the present petitioner was not actuated by motive of man-slaughter. Therefore, the present petitioner has no culpable mind to commit the offence. Since the petitioner is in long detention and further detention is not necessary as investigation is over, he may be released on bail on strict condition.

Per contra, Mr. Roy, learned lawyer appearing for the State invited our attention to the statements of the witnesses recorded under Sections 161 and 164 of the Cr.P.C. and submitted that strong incriminating elements are there against the present petitioner which attributes commission of the alleged offence to

the present petitioners. Since the allegation is grave and serious and death of a person is concerned, he strongly opposed the bail.

We have heard the rival submissions and perused the case diary. We also perused the statements of the witnesses, as recorded under Sections 161 and 164 of the Cr.P.C. along with the post mortem report. Post mortem report indicates injury on the person of the deceased and cause of death was possibly “*subdural hemorrhage*”. The statement of witnesses discloses that there was tussle between the petitioner and the deceased for reasons that the deceased picked up Rs.5,000/- from the pocket of the present petitioner. Statement of the witnesses, so recorded, indicates tussles between the deceased and the present petitioner without anything more.

On perusal of the case diary and other materials and the statement of witnesses, we are of the considered opinion that custodial detention of the petitioner is not necessary as charge sheet has been filed.

Accordingly, we allow this application and direct that the petitioner, namely, **Pravat Kumar Das @ Laltu Das**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, Krishnagar.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8807 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)