

19.09.2022
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 3163 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2022 in connection with Taherpur Police Station Case No. 25 of 2022 dated 23.01.2022 under Sections 304/34 of the Indian Penal Code.

And

In Re: **Sudeb Saha @ Linka @ Ningka**
... .. Petitioner

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani
... .. for the petitioner

Mr. Subir Debnath
Mr. Santanu Talukdar
Ms. Roma Roy
... .. for the de-facto complainant

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Nirupam Dhali
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 75 days. It is further submitted petitioner is not the principal accused. It is also submitted victim had died due to road traffic accident.

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

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Though statements of witnesses improbabilise a case of accidental death, it appears that the petitioner is not the principal accused. Co-accused viz. Sankar Das has been enlarged on bail. Keeping in mind the aforesaid facts and extent of complicity of the petitioner in the alleged crime, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sudeb Saha @ Linka @ Ningka**, 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, Ranaghat, Nadia 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)