

26.09.2022
tkm/ct 28
sl no. 42

C.R.M. (DB) 3246 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Amdanga P.S case no. 124 of 2022 dated 3.4.2022 under sections 341/302/34 of the IPC
and

Allowed

In Re : Abinash Peto

..... petitioner

Mr. Sumanta Chakraborty
Mr. K Dutta

..... for the petitioner

Mr. Avishek Sinha

..... for the State

Petitioner renews his prayer for bail and submits he is not the principal assailant. His father had been assaulted by the deceased and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. There is no development in the matter since rejection of bail by this court. From the statements of witnesses it appears that there was prior enmity and father of the petitioner had been assaulted. Subsequently co-accused i.e brother of the petitioner assaulted the victim on his head who succumbed to his injuries. Petitioner does not appear to be the principal assailant. His false implication due to prior enmity cannot be wholly ruled out. There is no progress in the matter since rejection of bail by this court.

Under such circumstances and keeping in mind the extent of complicity of the petitioner in the alleged crime and since there is no progress in the matter and there is little possibility of the trial commencing let alone concluding in the near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, North 24 Parganas at Barasat on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 3246 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)