

29.09.2022
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allowed

CRM(DB) No. 3375 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Town Police Station Case No. 81 of 2022 dated 17.04.2022 under Sections 341/324/326/307/379 of the Indian Penal Code.

And

In Re : Badal Singh @ Babai Singh petitioner

Mr. S. Roy
Mr. S. Halder
Mr. S. Burman

.....for the petitioner

Mr. P. K. Datta, learned APP
Mr. S. D. Roy

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 160 days. It is also submitted that he has been falsely implicated in the instant case. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Whether the petitioner intended to murder the victim requires to be assessed in the light of the facts and circumstances of the case during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner 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 local, to the

satisfaction of the learned Additional Chief Judicial Magistrate, Barasat, North 24 Parganas, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)