

13.10.2022.
31.
as/dg
(Partly
Allowed).

C.R.M. (DB) 3543 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani P. S. Case No.351 of 2022 dated 01.07.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Joydeb Dey @ Santu & Anr.
... Petitioners.

Mr. Shibaji Kr. Das.
...for the Petitioners.
Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Sonali Das.
.....for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Incident occurred in the course of a sudden fight. Petitioner No.1 assaulted the victim resulting in his death.

Under such circumstances, we are not inclined to grant bail to the petitioner No.1.

Accordingly, the prayer for bail of the petitioner No.1 is rejected.

However, keeping in mind the extent of complicity of the petitioner no.2, who is a lady in the alleged crime and the period of detention suffered by her i.e. 90 days, we are inclined to grant bail to the petitioner No.2.

Accordingly, the petitioner No.2 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, Kalyani, Nadia subject to condition that she 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 the petitioner No.2 fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Supratim Bhattacharya,J.)

(Joymalya Bagchi, J.)