

22.11.2022
tkm/ct 28
sl no. 30

C.R.M. (DB) 4068 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bidhannagar Electronics Complex P.S case no. 124 of 2022 dated 26.7.2022 under sections 302/34 of the IPC and

Allowed

In Re : Arun Chakraborty @ Guddu petitioner

Mr. Surajit Basu

..... for the petitioner

Mr. N Ahmed

Ms. Jonaki Saha

..... for the State

Petitioner is in custody for 120 days. It is submitted there was a fight between the parties. He does not have intention to murder the victim.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner had assaulted the victim with a piece of concrete.

We have considered the materials on record. Statement of witnesses show there was an altercation between the parties. Victim was initially assaulted with fists and blows. Although it is alleged that accuseds had thrown a piece of concrete at the victim, their subsequent conduct in trying to revive the victim must also be taken into consideration to determine their intention to commit murder.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, 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

ACJM, Bidhannagar 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 and on further condition that the petitioner shall remain outside the jurisdiction of Bidhannagar Electronics Complex P.S and the petitioner shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall meet the officer in charge of the concerned police station where he shall reside while on bail once in a week until further orders.

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) 4068 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)