

12.12.2022
Sl. No.39
akd
[ALLOWED]

C. R. M. (DB) 4348 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2022 in connection with Malda Police Station Case FIR No.309 of 2022 dated 16.07.2022 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.4335 of 2022)

And

In Re: ***Totan Das @ Rangi Das @ Ranjit Das***
... .. Petitioner

Mr. Shataroop Purukayastha
Ms. Jagriti Bhattacharya
... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Jonaki Saha
... .. for the State

It is submitted on behalf of the petitioner that there was a sudden quarrel between the victim and co-accused at a liquor shop. No deadly weapon was used. Investigation is complete.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. A sudden fight broke out between the petitioner and co-accused on one hand and the victim on the other. They used fists and blows. No deadly weapon was used. Whether the petitioner intended to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial. Petitioner does not have criminal antecedents. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Totan Das @ Rangi Das @ Ranjit Das***, 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 Chief Judicial Magistrate, Malda 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Malda Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station within whose jurisdiction he shall presently reside 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)