

19.12.2022.
24.
as
(Allowed)

C.R.M. (DB) 4441 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.177 of 2022 dated 20.03.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Parimal Biswas.

.... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das.

...for the State.

Petitioner is in custody for 274 days. He submits there is no progress in the matter since rejection of bail by this Court. He further submits victim was in an inebriated state and had misbehaved. There was a commotion. Victim fell down and suffered injury. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. She submits victim was assaulted by the petitioner and others.

We have considered the materials on record. Statements of witnesses show victim was in an inebriated condition. In such a state, possibility of the victim falling down and suffering injuries cannot be ruled out. There is little possibility of the trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Parimal Biswas 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 Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that he 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 fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)