

21.12.2022
30
sdas
allowed

CRM(DB) No. 4495 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 693 of 2022 dated 26.10.2022 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re : Kutub Alam @ Kutub Sk. petitioner

Mr. Debarshi Brahma

.....for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 51 days. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Whether the injury is life threatening requires to be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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 Chief Judicial Magistrate, Nadia, subject to condition that 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.)