

06.07.2022.

Item No. 21

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 212 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 30.06.2022 in connection with Kotwali Police Station Case No. 229 of 2022 dated 18.04.2022 under Sections 341/323/325/354 of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

And

In the matter of: **Wajul Haque @ Wakul Haque**. ...petitioner

Mr. Jaydeep Kanta Bhowmik. ...For the petitioner

Mr. Ujjwal Luksom,
Mr. Sourav Ganguly.For the State

The application for bail of the petitioner is filed, inter alia, on the ground that he is in custody for 71 days. The principal ground, however, urged is that the deceased victim died after about nine days of the incident and three days after being discharged from the Hospital.

FIR was originally registered under Sections 341/323 of the Indian Penal Code and Section 304 of the Indian Penal Code was added subsequently after the death of the victim.

This Court has carefully considered the entire case diary and heard the learned Public Prosecutor. Going through the case diary, we find that the petitioner has no previous history of involvement in any crime.

In that view of the matter and given the fact that the petitioner is in custody for a substantial period of time, this Court is of the view that custodial interrogation of the petitioner may be not necessary for investigation and the petitioner may be released on bail.

Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Jalpaiguri subject to the conditions that the petitioner shall co-operate with the investigation as and when required or called for and the petitioner shall meet the Investigating Officer of the case once in a week until further order.

C.R.M. (DB) No. 212 of 2022 is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)