

13.09.2022

Item No.63

Ct.No.01

F.B/gsd

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

CRM (DB) 322 of 2022

In Re: An application for bail under Section 439 of Cr.P.C in connection with Session Case No. 119 of 2022 arising out of Sitalkuchi Police Station Case No. 96 of 2022 dated 28.04.2022 under Section 304 of the Indian Penal Code, 1860 corresponding with G.R. Case No. 431 of 2022.

In the matter of : **Chitta Adhikary @ Chhitta Adhikary @ Chittya Adhikary**

... Petitioner.

Mr. Sabir Ahmed
Mr. Hillol Saha Podder
Ms. Mousumi Das

... For the Petitioner.

Mr. Kollol Acharjee
Ms. Namrata Das

... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

This is an application under Section under Section 439 of Cr.P.C in connection with Session Case No. 119 of 2022 arising out of Sitalkuchi Police Station Case No. 96 of 2022 dated 28.04.2022 under Section 304 of the Indian Penal Code, 1860 corresponding with G.R. Case No. 431 of 2022.

Mr. Ahmed, Learned Counsel, appearing for the petitioner submits that there was a quarrel which involves internal issue *inter*

se the family members and as a result the accused threw bamboo stick towards the victim lady, of which the victim lady succumbed to injuries in the hospital during her treatment.

It is further submitted that there was no intention to inflict serious or fatal injuries on the person of the victim lady.

It is submitted that the accused is in custody for more than four months. It is also submitted that charge-sheet has already been submitted.

Mr. Kollol Acharjee, Learned State Advocate, appears and produces the Case Diary. From the Case Diary, it transpires to this Court that the chain of circumstances as submitted by the petitioner are *prima facie* borne out.

Having regard to the conspectus of the above facts and circumstances, this Court is persuaded to grant bail to the petitioner.

The prayer for bail of the petitioner is **Allowed**.

Accordingly, We direct, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) with two sureties out of which one must be local surety of like amount each, to the satisfaction of the ACJM, Mathabhanga, Cooch Behar and on condition that the petitioner shall appear before the Learned Trial Court on each and every date of trial and on further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence.

CRM (DB) 322 of 2022 is **disposed of** accordingly.

All parties are to act on a server copy of this order duly collected from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)