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allowed

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

CRM(DB) No. 455 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 570 of 2022 dated 06.10.2022 under Sections 341/324/326/307 of the Indian Penal Code.

And

In Re : Nabin Mondal petitioner

Mr. Abhimanyu Bannerjee

Mr. Arnab Saha

.....for the petitioner

Mr. Aditi Sankar Chakraborty, learned APP

Mr. Kallol Acharjee

Ms. Namrata Das

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 71 days. It is also submitted that there was a quarrel between the parties. Petitioner had no intention to cause death. He prays for bail.

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

We have considered the materials on record including the injury report. Though injuries are on the head i.e. a vital part of the body, medical report does not indicate internal damage of brain matter. Whether the petitioner intended to cause death

requires to be assessed in the light of the aforesaid circumstances during trial.

Under such circumstances and in view 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, Jalpaiguri, 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.)