

09.01.2023
Sl. No.30
CHC
[ALLOWED]

C. R. M. (DB) 40 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 3rd January, 2023 in connection with Nakashipara Police Station Case No.527 of 2022 dated 10.07.2022 under Sections 325/307/354A/34 of the Indian Penal Code.

And

In Re: *Chayan Kundu*

... .. Petitioner

Mr. Prabir Majumder,
Mr. S. Majumder

... .. for the petitioner

Mr. Binoy Panda,
Ms. Puspita Saha

... .. for the State

Petitioner is in custody for 43 days.

It is submitted that the ingredients of offence punishable under Section 307 I.P.C. are not disclosed. He prays for bail.

Learned advocate for the State opposes the prayer for bail.

Petitioner and co-accused misbehaved with a lady during Ratha Yatra. When husband protested, he was assaulted on the head.

In view of the aforesaid circumstances, though we are of the opinion further detention of the petitioner is not necessary, we feel his movements require to be restricted in order to instill confidence in the mind of the defacto complainant and witnesses.

Therefore, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, Krishnagar, subject to the condition that the said petitioner 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 and on further condition that the petitioner shall not enter the jurisdiction of Nakashipara Police Station until further order except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said Officer-in-Charge as well as court below.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)