

09.01.2023
Sl. No.32
CHC
[ALLOWED]

C. R. M. (DB) 42 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 Ranaghat Police Station Case No.570 of 2022 dated 10.08.2022 under Section 302 of the Indian Penal Code, subsequently, chargesheet under Sections 279/304 of the Indian Penal Code.

And

In Re: *Kartick Das @ Babusona*

... .. Petitioner

Mr. Soumyajit Das Mahapatra,
Mr. Palash Bapari

... .. for the petitioner

Mr. Arijit Ganguly,
Ms. Zareen. N. Khan.
Mr. Asif Dewan

... .. for the State

Petitioner submits ingredients of offence punishable under Section 304 of the Indian Penal Code are not disclosed. He is in custody for 151 days. Investigation is complete. He prays for bail.

Learned advocate appearing for the State submits that petitioner had pushed the victim girl and had run away from the spot.

We have considered the materials on record. Statements of witnesses with regard to the genesis of the incident are contradictory to one another. It is to be tested during trial whether the death was due to accident or due to any unintentional culpable act on the petitioner's part.

Keeping in mind the aforesaid circumstances, period of detention suffered and as investigation is complete, we are inclined to grant bail.

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 Additional Chief Judicial Magistrate, Ranaghat, subject to 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.

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.)