

16.01.2023.
38.
as
(Allowed)

C.R.M. (DB) 143 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampore P. S. Case No.254 of 2022 dated 20.07.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Surjyadeep Basu Mukherjee @
Surjadip Basu Mukherjee.
.... Petitioner.

Mr. Bikash Ranjan Bhattacharyya, Id. Sr. Adv.,
Mr. Rabi Sankar Chattopadhyay,
Mr. Sayan Chattopadhyay.
...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.
...for the State.

Petitioner is in custody for 88 days. Investigation is complete. It is submitted that the victim had consumed liquor and had accidentally fallen into the pond. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner and victim were consuming liquor. Petitioner pushed him into the pond.

We have considered the materials on record. Victim was in an inebriated condition. The rival contention of the parties with regard to the cause of death requires to be thrashed out during trial. Investigation is complete. There is no possibility of abscondence and tampering with evidence.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Surjyadeep Basu Mukherjee @ Surjadip Basu Mukherjee 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 Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)