

16.01.2023.
39.
as
(Allowed)

C.R.M. (DB) 144 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhubulia P. S. Case No.339 of 2022 dated 29.08.2022 under Sections 326/307/302 of the Indian Penal Code.

In the matter of : Debasis Sen @ Luku.

.... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Pronojit Roy,
Mr. Debasis Mitra.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashoke Das.

...for the State.

Petitioner is in custody for 139 days. It is submitted that the deceased was consuming alcohol inside temple. There was a commotion with regard to the issue. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim was in an inebriated condition. Investigation is complete. Keeping in mind the facts and circumstances of the case and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Debasis Sen @ Luku 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,

Nadia at Krishnagar 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 fail 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.)