

20.02.2023.
21.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 203 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.1011 of 2022 dated 25.09.2022 under Section 302 of the Indian Penal Code.

In the matter of : Rathin Karmakar.

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for nearly 510 days. It is contended he was suffering from mental illness. Incident occurred in the course of a sudden quarrel. He prays for bail.

In view of the aforesaid submission, report with regard to the mental health of the petitioner was called for.

Report suggests petitioner “features of poor coping skills and poor reality testing.” He is also suffering from mild anxiety, mild depression etc. Though such ailment may not be sufficient to exonerate the petitioner from culpability under Section 84 of the Indian Penal Code, his mental status and attending circumstances giving rise to the crime i.e. a sudden quarrel would persuade us to enlarge him on bail.

Accordingly, the petitioner viz., Rathin Karmakar 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, Ranaghat, Nadia 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.)