

24.01.2023
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 277 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.01.2023 in connection with Kalyani Police Station Case No.512 of 2022 dated 09.09.2022 under Sections 341/302/34 of the Indian Penal Code.

And

In Re: **Basudeb @ Basudev Mallick**

... .. Petitioner

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Ayantika Ray

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 137 days. It is further submitted there was a sudden quarrel. Victim suffered injuries and died after about a month. Investigation is complete.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Victim suffered injuries and died after 24 days. Whether the petitioner intended to murder the victim requires to be seen in the light of the aforesaid fact and other attending circumstances during trial. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Basudeb @ Basudev Mallick**, 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, Kalyani, Nadia 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.)