

01.02.2023
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 365 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with Chanditala Police Station Case No.556 of 2022 dated 31.10.2022 under Sections 341/323/302/34 of the Indian Penal Code. (G.R. Case No.2127 of 2022)

And

In Re: ***Ujjwal Prodhan & Anr.***

... .. Petitioners

Mr. Bitasok Banerjee

... .. for the petitioners

Ms. Faria Hossain

Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 92 days. It is further submitted the incident occurred in course of a quarrel. Victim had been pushed and had fallen down. There was no intention to commit the murder. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail and submits victim was brutally assaulted and he died.

We have considered the materials on record. Initially, dispute arose between the petitioners and the son-in-law of the deceased. Subsequently, deceased intervened and was assaulted and pushed. Whether the injuries as appearing in the post-mortem report were a result of assault or due to fall require to be assessed in course of trial. Keeping in mind the aforesaid facts, period of detention suffered by the petitioners and as investigation is complete, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely ***(1) Ujjwal Prodhan & (2) Sumit Pradhan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)