

17.02.2023.

18.

Ct.No.28

as

(Allowed)

C.R.M. (DB) 374 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar (South) P. S. Case No.241 of 2022 dated 11.01.2022 under Sections 279/353/186/323/325/308/427 of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

In the matter of : Samudra Biswas.

.... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. Dattatreya Dutta.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner submits he is suffering from psychiatric illness.

Report with regard to the mental health of the petitioner is placed on record. Report shows that the prescriptions relied upon by him are genuine. It also records that he was treated at Pavlov Hospital while in custody.

From the materials it appears petitioner is suffered from mental ailments which requires treatment. Without expressing opinion whether it would impact on his competence to commit the crime, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Samudra Biswas 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, Bidhannagar, North 24-Paraganas 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.)