

08.02.2023
Sl. No.36
akd
[ALLOWED]

C. R. M. (DB) 491 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Taherpur Police Station Case No.25 of 2022 dated 23.01.2022 under Sections 120B/302 of the Indian Penal Code and subsequently charge sheet submitted under Sections 304/34 of the Indian Penal Code.

And

In Re: ***Raju Das @ Naresh***

... .. Petitioner

Mr. Prabir Majumder

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 204 days. It is further submitted the incident occurred in course of a quarrel. There is no progress in the matter since rejection of bail by this court.

Learned Additional Public Prosecutor opposes the prayer for bail and submits date has been fixed for recording prosecution evidence.

We have considered the materials on record. Incident occurred in course of a sudden quarrel. Whether the petitioner intended to murder the victim requires to be assessed in the light of the aforesaid submission during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Raju Das @ Naresh***, 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, Ranaghat, 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.)