

13.02.2023
SI. No.36
akd
[ALLOWED]

C. R. M. (DB) 576 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Kotwali Police Station Case No.773 dated 26.10.2022 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re: **Sk. Sayed Ali @ Shek Saiyad Ali @ Sekh Saiyad Ali**
... .. Petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee
... .. 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 109 days. It is further submitted ingredients of the offence punishable under Section 302 IPC are not disclosed. Victim died due to an accident.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had electrified the area. As a result, victim got electrocuted.

We have considered the materials on record. Petitioner did not intend to murder the victim. Whether conduct of the petitioner to electrify the area around the pond would constitute requisite knowledge that the act is likely to cause death requires to be assessed during trial. Keeping in mind the aforesaid fact, 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 **Sk. Sayed Ali @ Shek Saiyad Ali @ Sekh Saiyad Ali**, 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 Chief Judicial Magistrate, Paschim Midnapore 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.)