

22.02.2023.
16.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 584 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P. S. Case No.557 of 2022 dated 15.12.2022 under Sections 304(ii)/308/34 of the Indian Penal Code.

In the matter of : Rahul Paswan & Anr.

.... Petitioners.

Mr. Ayan Bhattacharyya,
Mr. Satadru Lahiri,
Mr. Vikash Singh.

...for the Petitioners.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioners are in custody for 52 days. It is contended they have co-operated with the investigation. Co-accused is on bail. They pray for bail.

Learned Public Prosecutor with Mr. Rudradipta Nandy, learned Additional Public Prosecutor opposes the prayer for bail. It is submitted petitioners and others had illegally organised a function for distributing blankets among poor. No precautionary steps were taken. As a result, three persons died and several were injured.

We have considered the materials on record. Petitioners are in custody for 53 days. They have co-operated with the investigation. Further detention of the petitioners for the purpose of investigation is not necessary.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Rahul Paswan and Bikash Gupta shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)