

20.02.2023
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allowed

CRM(DB) No. 682 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari Police Station Case No. 480 of 2022 dated 16.12.2022 under Sections 326/307 of the Indian Penal Code.

And
In Re : Sk. Tinku @ Tinku Seikh petitioner

Mr. Amitabha Ghosh
.....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Santanu Deb Roy
..... for the State

Learned Counsel for the petitioner submits he is in custody for 64 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record including the injury report. Whether the injuries are life threatening requires to be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Howrah, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)