

27.03.2023  
52  
sdas  
allowed

CRM(DB) No. 1017 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 1245 of 2021 dated 11.10.2021 under Sections 341/326/307/34 of the Indian Penal Code and charge-sheet submitted under Sections 341/326/307/302/34 of the Indian Penal Code

And  
In Re : Ritesh Gupta        ..... petitioner

Mr. Ayan Bhattacharya  
Mr. Abdul Aziz Mondal  
.....for the petitioner

Mr. Shiladitya Banerjee  
..... for the State

Learned Counsel for the petitioner submits petitioner was the driver of the vehicle. He had not assaulted the victim.

Investigating officer is present. He produces the case diary.

We have considered the materials on record including statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure. Petitioner was riding the motor cycle. Co-accuseds Raju Nayek @ Raja Nayek and Avi Mondal jumped down from the motor cycle and assaulted the victim. They are on bail.

Under such circumstances we are of the opinion petitioner has been able to make out a case for reconsideration of bail. Accordingly, we are inclined to grant bail to the petitioner.

Hence, 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 Additional District & Sessions Judge, Fast Track Court, Baruipur, South 24 Parganas, subject to conditions that 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.)**