

10.04.2023  
tkm/ct 28  
sl no. 54

**C.R.M. (DB) 1404 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk P.S case no. 917 dated 8.10.2022 under sections 341/323/325/326/307/34 of the IPC with added section 302 IPC

**Allowed** In Re : Pranab Das @ Arnab Das and ..... petitioner

Mr Ayan Basu  
Mr. S Bera  
Mr. S Routh

..... for the petitioner

Mr. M Sur  
Mr. M Mahata

..... for the State

Petitioner submits incident occurred in the course of a road traffic accident. He is in custody for 182 days. Investigation is complete. He also submits some of the witnesses corroborate the aforesaid fact. He prays for bail.

Learned lawyer for the State opposes bail prayer. He relies on statements of the witnesses recorded under section 164 Cr.P.C

We have considered the materials on record. Statement of Somidul Khan recorded under section 161/164 Cr.P.C shows petitioner had assaulted the victim resulting in his death. Some of the other witnesses have stated that the incident occurred in the course of road traffic accident.

Aforesaid dichotomy requires to be explained in the course of trial.

Under such circumstances, period of detention suffered by the petitioner and as there is no likelihood of trial concluding in near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Purba Medinipur at Tamluk on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 1404 of 2023 is disposed of.

**(Partha Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**