

13.04.2023.
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Ct.No.28
as
(Allowed)

C.R.M. (DB) 1467 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.229 of 2020 dated 23.05.2020 under Sections 304/34 of the Indian Penal Code.

In the matter of : Sumanta Sarkar @ Prasen @ Paso
@ Kalipada.

.... Petitioner.

Ms. Sananda Bhattacharyya.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

Petitioner is in custody for 53 days. He submits there is delay in lodging the first information report. Co-accused are on bail.

Learned Advocate for the State opposes the bail prayer. He submits victim succumbed to his injuries due to assault.

We have considered the materials on record. It is contended incident occurred in course of sudden altercation. Co-accused are on bail. Petitioner stands on the same footing. Hence, we are inclined to extend the same privilege to the petitioner also.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Sumanta Sarkar @ Prasen @ Paso @ Kalipada 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 Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that he 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 petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)