

20.04.2023
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 1593 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Beldanga Police Station Case No.89 of 2022 dated 02.03.2022 under Sections 304/34 of the Indian Penal Code. (G.R. Case No.786 of 2022)

And

In Re: ***Tuktuki Hazra @ Tuktuki Halder @ Tuktuki Haldar & Anr.***
... .. Petitioners

Md. Mokaram Hossain
Mr. Sandipan Maity

... .. for the petitioners

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy

... .. for the State

Petitioner no.1 is in custody for about 411 days and petitioner no.2 is in custody for about 374 days. It is submitted on behalf of the petitioners that the incident occurred in course of sudden quarrel. Petitioners did not intend to murder the victim. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner no.1 is the wife and petitioner no.2 is the brother-in-law of the victim. There was a domestic quarrel. Petitioners assaulted the victim with fists, blows and bamboo sticks. Victim died three days after the incident. There is no possibility of abscondence. Trial has not commenced till date. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely ***(1) Tuktuki Hazra @ Tuktuki Halder @ Tuktuki Haldar & (2) Jhantu Halder @ Haldar***, be

released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)