

19.05.2023
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allowed

CRM(DB) No. 1614 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani Police Station Case No. 512 of 2022 dated 09.09.2022 under Sections 341/302/34 of the Indian Penal Code.

And

In Re : Biswajit Mallick petitioner

Mr. Shibaji Kumar Das
Ms. Suranjana Bhattacharyya
Ms. Rupsa Sreemani
....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Trina Mitra
.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for 104 days. Incident occurred in the course of a sudden quarrel. Whether petitioner intended to murder the victim requires to be seen in the light of the aforesaid circumstance during trial. Keeping in mind the aforesaid facts and 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 Additional Chief Judicial Magistrate, Kalyani, Nadia, 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.)