

27.04.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 1696 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2023 in connection with Ranaghat Police Station Case No.859 of 2022 dated 27.12.2022 under Section 304 of the Indian Penal Code.

And

In Re: ***Dilip Sarkar***

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor

Mr. Santanu Deb Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 112 days. It is further submitted petitioner is a tea stall owner and the incident occurred in course of a sudden quarrel. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Petitioner is a tea stall owner. A quarrel ensued at the tea stall. Victim had suffered a single injury on the head. Intention of the petitioner to murder requires to be assessed in the aforesaid circumstances during trial. There is no chance of his abscondence. Investigation is complete. Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Dilip Sarkar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)