

17.05.2023.
42.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1970 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No.74 of 2023 dated 01.02.2023 under Sections 448/354/304/34 of the Indian Penal Code.

In the matter of : Sadananda Biswas.

.... Petitioner.

Mr. Asraf Mandal.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Petitioner submits there was a scuffle between the parties. Victim suffered heart attack and died. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the post mortem report and statement of witness recorded under Section 164 of the Code of Criminal procedure. From the statement of the witness, it appears there was exchange of blows. Thereafter, victim fell down. Post mortem report shows he died due to heart attack.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sadananda Biswas 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.)