

15.06.2023
Sl. 13
Court No. 29
Sourav

C.R.M. (DB) 2036 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Simlapal** Police Station Case No. **65** of **2019** dated **22.09.2019** under Sections **341/323** IPC, corresponding to G.R. Case No. **493** of **2019**.

And

In the matter of: **Mithun Kalindi**

....petitioner.

Mr. Riddhiman Mukherjee
Mr. Arkaprabho Roy

...for the petitioner.

Ms. Zareen N. Khan
Md. Kutubuddin

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is alleged to have given a fist blow/punch to the abdomen of the deceased which by various judicial pronouncements is held to be not a vital part of the body.
3. Initially the FIR was registered under Section 341/323 IPC. Ten days after the incident, the victim is stated to have died. There is no definite opinion in the post mortem report regarding the cause of death but it is clear that the deceased underwent some surgical intervention. Charge-sheet in the meantime has already been filed.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and completion of investigation, it is directed that the petitioner shall be released on bail by the learned Additional Chief Judicial Magistrate, Khatra, Nadia, in Connection with G.R. Case No. 493 of 2019 arising out of Simlapal Police Station Case No. 65

of 2019 dated 22.09.2019 on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. Accordingly, the prayer for bail is allowed.

6. The application being **CRM (DB) 2036 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

