

21.06.2023

Sl. 15

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 2289 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ashoknagar** P. S. Case No. **1114 of 2022** dated **27.11.2022** under Sections **302/201** of the IPC.

And

In the matter of: **Bikram Sarkar**

....petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Kaushik Choudhury

Ms. Busra Khatun

...for the petitioner.

Mr. Neguive Ahmed, APP

Ms. Amita Gaur

...for the State.

1. Heard the learned Counsel for both the parties.
2. The case is based on circumstantial evidence and *prima facie* offence under Section 302 IPC is made out against the petitioner. Taking into consideration the fact that the petitioner is a student and a person of tender age and there is no chance of his absconding being deep-rooted in the society coupled with the fact that there is no chance of his tampering with the evidence as the case has already been committed to the Court of Sessions, we feel persuaded to extend the benefit of the doctrine "bail is the rule" to the petitioner.
3. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner and the stage of the proceeding, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 1st Court, Barasat in S.C. No. 188/2023 in connection with Ashoknagar P.S. case No. 1114 of 2022 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case including the conditions

that i) the petitioner shall appear in person before the Court during trial on each date of substantive hearing subject to provision of Section 317 Cr.P.C. on cogent ground; ii) he shall not leave District – North 24 Parganas without leave of the Trial Court; iii) the petitioner shall provide his mobile number and his address statement duly endorsed by the I.C. of the Police Station under which he resides to the I.O. of the present case for the purpose of issuance of summonses, notices, etc.

4. The learned Trial Court is directed to act on the server copy of this order.
5. Accordingly, the prayer for bail of the petitioner is allowed.
6. CRM (DB) 2289 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)