

05.07.2023
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allowed

CRM(DB) No. 2308 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 30 of 2022 dated 14.01.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Sahabuddin Seikh petitioner

Mr. Prabir Majumder

Mr. Snehansu Majumder

....for the petitioner

Mr. Pravas Bhattacharya

Mr. M. F. Ahmed Begg

.... for the State

Learned Counsel for the petitioner submits he is in custody for 527 days. It is also submitted there is delay in trial. He renews his bail prayer.

Learned Counsel for the State opposes the bail prayer and submits petitioner has assaulted the victim and as a result he died.

We have considered the materials on record. There was a quarrel between the parties. Petitioner had assaulted the victim with brick bats. He survived for three days. In spite of protracted period of detention recording of evidence has not commenced.

Keeping in mind the aforesaid circumstances we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

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 Chief Judicial Magistrate, Nadia at Krishnanagar, 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.)