

27.06.2023

Sl. 168

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 2473 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sessions Case No. **157 of 2022** arising out of **Dumdum** P. S. Case No. **468 of 2022** dated **22.06.2022** under Sections **302/201/34** of the IPC (Corresponding to G.R. Case No. **5841 of 2022**).

And

In the matter of: **Samir Pradhan @ Akash & Anr.**

....petitioners

Mr. Ashok Das

Mr. Litan Maitra

Mr. Kalyan Kr. Bhattacharjee

...for the petitioners.

Mr. P. K. Datta

Mr. P. K. Ganguly

...for the State.

1. This matter is taken out of turn on prayer by learned Counsel for the petitioner on the ground that the mother of the petitioner No. 1 having fallen from bus has been hospitalized and the petitioner No. 1 being her only son is required to attend her. The copy of medical papers filed by learned Counsel for the petitioners be taken on record.
2. Heard the learned Counsel for both the parties.
3. The deceased in course of transaction has sustained multiple injuries in his lower ribs and some superficial injury on his medial ribs. All the aforesaid injuries are superficial in nature and some injuries having scab formation, it means that those injuries were quite earlier to the alleged transaction facilitating scab formation during deceased's lifetime. The fatal injury is on the parietal region of the deceased and we do not find any connecting evidence as to who mounted the fatal assault on the parietal region of the head of the deceased. It is better that this question be left to be found out in course of trial. Charge-sheet is stated to have been submitted.

4. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioners and completion of investigation, it is directed that each of the petitioner shall be released on bail by the learned Additional Sessions Judge, Fast Track Court No. 3, Barrackpore, North 24 Parganas in Sessions Case No. 157 of 2022 in connection with G.R. Case No. 5841 of 2022 arising out of Dumdum P.S. case No. 468 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) each of the petitioner shall appear before the Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.; ii) They shall not leave jurisdiction of the Trial Court without obtaining prior leave of the Trial Court; iii) the petitioners are directed to appear before the I.C. of Dumdum P.S. once in a fortnight on the day and the time fixed by the I.C. till conclusion of trial (this conditions may, however, be relaxed by learned Trial Court on proper application being filed taking into consideration the conduct of the petitioners).
5. Accordingly, the prayer for bail of the petitioners are allowed.
6. CRM (DB) 2473 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)