

14.07.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 2799 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Shalimar GRPS Police Station Case No.23 of 2022 dated 18.08.2022 under Sections 302/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 304/34 of the Indian Penal Code.

And

In Re: ***Raju Hari @ Raju Bihari***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Soumya Basu Roy Chowdhury
... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
... .. for the State

It is submitted on behalf of the petitioner that he and the deceased were making a video near the railway track. In course of such activity, the victim died. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner is a drug addict. Victim was run over by a train.

We have considered the materials on record. Whether the petitioner had intention to commit the murder requires to be assessed in the light of the attending circumstances during trial. There is no chance of his abscondence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Raju Hari @ Raju Bihari***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)