

25.07.2023.
25.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2821 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hare Street P. S. Case No.264 of 2022 dated 17.09.2022 under Sections 326/114/307/506/114 of the Indian Penal Code.

In the matter of : Chottu Shaw @ Ajay Shaw.

.... Petitioner.

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Mr. Avik Ghatak,
Ms. Fahad Imam.

...for the de-facto complainant.

Petitioner is in custody for 300 days. He submits there was a sudden quarrel and the attack was not a premeditated one. He renews his bail prayer.

Learned Additional Public Prosecutor opposes the bail prayer. He submits trial has commenced and one witness has already been examined.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Petitioner was working in a shop. A quarrel ensued between the petitioner and another worker in an adjoining shop. In the course of quarrel, petitioner struck the victim with a knife. He has suffered detention for more than 300 days. Only one witness has been examined till date and there is little

possibility of trial concluding in the near future. Offences, if proved, would not attract mandatory life imprisonment.

Keeping in mind the aforesaid facts and balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner viz., Chottu Shaw @ Ajay Shaw 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 Additional Chief Metropolitan Magistrate, Kolkata subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Hare Street Police Station except for the purpose court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any 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, thus disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

