

24.07.2023.
33.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2903 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan P. S. Case No.80 of 2023 dated 11.02.2023 under Sections 448/325/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

In the matter of : Prosenjit Roy.

.... Petitioner.

Mr. Kaushik Chowdhury,
Ms. Busra Khatun.

...for the Petitioner.

Mr. P. K. Dutta, Id. A.P.P.,
Mr. P. K. Ganguly.

...for the State.

Liberty is given to the learned Advocate-on-record of the petitioner to add Section 302 of the Indian Penal Code in the cause title of the petition.

It is contended there was a free fight. Case and counter case were registered. Petitioner is in custody for 145 days.

Learned advocate for the State opposes the bail prayer.

We have considered the materials on record. There was a free fight. Case and counter case were registered. Victim survived for four months.

Under such circumstances, whether the petitioner intended to murder the victim is required to be assessed during trial. Investigation is complete. There is no chance of abscondence.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Prosenjit Roy 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, Dakshin Dinajpur at Balurghat 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.

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.)