

01.08.2023
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allowed

CRM(DB) No. 3039 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamboni Police Station Case No. 81 of 2023 dated 17.06.2023 under Sections 304/34 of the Indian Penal Code.

And
In Re : Abhijit Patra petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
....for the petitioner

Mrs. Zareen N. Khan
Mr. Arup Sarkar
..... for the State

Learned Counsel for the petitioner submits he is in custody for 47 days. It is also submitted that precautions were taken to prevent the wild animals from destroying the crops and fencing was electrified for that purpose. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the caretaker and he had illegally electrified the fencing. As a result one of the villagers was electrocuted.

We have considered the materials on record. Whether the allegation against the petitioner would constitute the ingredients of offence under Section 304 of the Indian Penal Code or the case would fall under Section 304A of the Indian Penal Code requires to be assessed in the light of the trial. Petitioner is in custody for 47 days and further detention for progress of investigation is not

necessary. Petitioner has permanent home and hearth and there is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Jhargram, subject to condition 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 any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)