

19.09.2023
tkm/ct 28
sl no. 34

C.R.M. (DB) 3261 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Burrabazar P.S case no. 96 of 2023 dated 9.4.2023 under sections 304/341/323/114 IPC
and

Allowed

In Re : Sujeet Singh @ Sujit Singh ... petitioner

Mr. Sekhar Basu, Sr. Adv
Mr. A Bhattachariyya
Ms. R Ghosh
Mr. Uttam Mukherjee

..... for the petitioner

Mr. R D Nandy
Mr. Subrato Roy

..... for the State

Mr. B N Ghosal
Mr. P Ghosh
Mr. G K Singh

..... for the de facto complainant

1. Petitioner is in custody for 116 days. It is submitted petitioner and co-accused did not have intention to murder the victim. They had assembled to watch a religious programme. There was drinking and victim choked and died. Investigation is over. There is no chance of abscondence. He prays for bail.
2. Learned lawyer for the State submits petitioner and co-accused had assaulted the victim. He had suffered injuries. Thereafter he was pushed and died.
3. Learned lawyer for the de facto complainant submits co-accused are absconding. Petitioner if released on bail will intimidate witnesses.
4. We have considered the materials on record. Statements of witnesses show that the petitioner and co-accused called the victim to attend a religious ceremony. Thereafter they assembled

at a place. An altercation ensued. Victim had been assaulted and he fell down. He was seen gasping and ultimately died. Though post mortem report noticed a number of injuries, medical opinion states death was due to effects of asphyxia, resulting from suffocation (choking). It is also opined that in case of alcoholism, choking may arise due to regurgitation of gastric contents. This shows cause of death may not be directly related to assault, but may have been expedited due to the same. Allegations of assault are general and omnibus.

5. Keeping in mind the aforesaid facts and as investigation is complete, we are inclined to enlarge the petitioner on bail, however subject to strict conditions so as to allay the apprehension of the de facto complainant with regard to intimidation of witnesses.

6. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 25,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CMM, Calcutta on condition that the petitioner shall appear before the trial court on every date of hearing 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 municipal limits of Kolkata except for attending court proceeding and shall provide the address where he shall presently reside to the investigating agency as well as the court below and shall report to the Officer-in-Charge of the police station within whose jurisdiction he shall presently reside once in a week until further orders.

7. 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.

8. The application being CRM (DB) 3261 of 2023 is disposed of.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)