

22.08.2023
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allowed

CRM(DB) No. 3273 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 270 of 2023 dated 26.03.2023 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re : Kanchan Chandra Nath @ Nato petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Antarikhya Basu

Ms. Madhumita Basak

....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for five months. It is also submitted that he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Whether the injuries are life threatening may be assessed during trial. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner we are inclined to grant bail to him.

4. 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, Krishnanagar, Nadia, subject to conditions 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.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)