

08.09.2023
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allowed

CRM(DB) No. 3496 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 365 of 2023 dated 06.05.2023 under Section 302 of the Indian Penal Code.

In Re : Nayan Barman And
..... petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon
....for the petitioner

Mr. Nguive Ahmed, learned APP
Ms. Amita Gaur
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 123 days. He contends incident occurred in the course of a quarrel. He prays for bail.

2.Learned Counsel for the State opposes the prayer for bail and submits petitioner made an extra-judicial confession admitting his guilt.

3. We have considered the materials on record. There was a domestic quarrel. Petitioner was in an inebriated condition and in a fit of rage he hit his grandmother. Unfortunately, she died. Out of remorse he consumed poison. In view of the aforesaid circumstances and as there is no chance of his abscondence, we are inclined to grant bail to the petitioner.

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, Dakshin Dinajpur, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)