

27.09.2023
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allowed

CRM(DB) No. 3558 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. 773 of 2022 dated 26.10.2022 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Sk. Arup Ali @ Arab Ali @ Arop Ali @ Toton petitioner

Mr. Soumyajit Das Mahapatra

Ms. Madhurai Sinha

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.... for the State

1. Learned Counsel for the petitioner submits he did not have intention to murder the victim. Uncontroverted allegations even if believed to be true, at its height, may disclose an offence under Section 304A of the Indian Penal Code. Co-accused has been enlarged on bail. He prays for bail.

2. Learned Counsel for the State produces the case diary.

3. We have considered the materials on record. Co-accused, Sk. Sayed Ali has been enlarged on bail. Under such circumstances, we are of the opinion petitioner is entitled to similar relief.

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, Paschim

Midnapore 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.

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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)