

18.09.2023
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 3613 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with Dhaniakhali Police Station Case No.59 of 2021 dated 23.03.2021 under Section 302 of the Indian Penal Code. (G.R. Case No.628 of 2021)

And

In Re: ***Arbind Kumar Gupta***

... .. Petitioner

Mr. Arunava Ganguly

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there was a sudden quarrel. Petitioner was unarmed. He picked a wooden log from the place of occurrence and hit the victim. Unfortunately, the victim died. Trial is progressing at a slow pace. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had exhorted that he would kill the victim.
3. We have considered the materials on record. Petitioner did not have motive to commit the crime. There was a sudden quarrel. He was unarmed. He suddenly picked a wooden log and hit the victim on the head. Whether the petitioner intended to kill the victim may be assessed in the light of the aforesaid circumstances during trial. Though he is in custody for more than two years, only three witnesses have been examined till date. Prosecution proposes to examine fourteen witnesses. There is little possibility of trial concluding in the near future. Petitioner does not have criminal antecedents and there is no chance of his abscondence. Under such

circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely ***Arbind Kumar Gupta***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the district of Hooghly and shall report to the Officer-in-charge, Dhaniakhali Police Station once in a week until further orders.
5. 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.
6. The application for bail, thus, stands allowed.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)