

21.09.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 3670 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 Dhantala Police Station Case No.473 of 2023 dated 25.06.2023 under Section 302 of the Indian Penal Code. (G.R. Case No.2479 of 2023)

And

In Re: ***Atindra Dhali @ Rathin***

... .. Petitioner

Ms. Minoti Gomes
Ms. Dona Sanyal
Ms. Shanta Sarkar

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 88 days. It is further submitted victim was drinking in a club. There was an altercation. Victim fell down and suffered head injury. As a result, he died. Petitioner has been falsely implicated. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was pushed by the petitioner. He hit a tree and suffered head injury. As a result, he died.
3. We have considered the materials on record. It is contended on behalf of the defence victim suffered accidental injury. Even the prosecution version is that the victim was pushed by the petitioner. It is nobody's case that the petitioner hit the victim on the head or banged his head against a tree. Intention of the petitioner to murder is to be seen in the light of the aforesaid circumstances during trial. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of

detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Atindra Dhali @ Rathin***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia 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.
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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)