

25.09.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 3704 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2023 in connection with Arambag Police Station Case No.413 of 2021 dated 05.11.2021 under Sections 279/337/338/427/304 of the Indian Penal Code.

And

In Re: ***Bir Chandra Mahato***

... .. Petitioner

Mr. Shankha Maity

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Pravas Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four months. It is further submitted petitioner was on bail earlier. Due to miscommunication he could not appear. Thereafter, he has surrendered before the trial court. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner shall abscond if released on bail.
3. We have considered the materials on record. Earlier petitioner was on bail. In 2021 he had gone to his native place in Bihar. Due to miscommunication he could not appear. Presently, he has surrendered and trial has commenced. There is no possibility of trial concluding in the near future. Victim died due to road traffic accident. Whether ingredients of the offence punishable under Section 304 IPC would be specified in the aforesaid factual matrix require to be seen during trial.
4. Under such circumstances and in view of the period of detention suffered by the petitioner, 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.

5. Therefore, the accused/petitioner, namely ***Bir Chandra Mahato***, 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 District & Sessions Judge, 1st Court, Arambagh, 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 not leave the jurisdiction of Haripal Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Haripal Police Station once in a week until further orders.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)