

03.10.2023
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allowed

CRM(DB) No. 3790 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 136 of 2023 dated 12.03.2023 under Sections 447/325/326/307/354/506/34 of the Indian Penal Code.

And

In Re : Santu Sk. @ Sekh petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

1. Learned Counsel for the petitioner submits there is enmity between the parties. Case and counter case were registered. He is in custody for 127 days. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Whether injuries are life threatening may be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

3. 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, Nadia at Krishnagar, 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.

4. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)