

09.10.2023
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allowed

CRM(DB) No. 3875 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Regent Park Police Station Case No. 145 of 2023 dated 11.05.2023 under Sections 304/34 of the Indian Penal Code.

And

In Re : Amit Nayak @ Baichung petitioner

Mr. Sourav Mondal

Mr. Aditya Bikram Mahata

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 147 days. It is also submitted that victim died due to an unintentional push by the petitioner. He had no intention to murder the victim. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had pushed the victim.

3. We have considered the materials on record. Petitioner and the victim were drinking on the roof of a building. A quarrel ensued and he suddenly pushed the victim. As a result victim lost balance, fell down and died. Whether petitioner intended to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial. There is no chance of abscondence of the petitioner. Accordingly, we are inclined to grant bail to him.

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 Additional Chief Judicial Magistrate, at Alipore, South 24 Parganas, subject to conditions 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.)