

13.10.2023.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3968 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bandwan P.S. Case No.22 of 2023 dated 02.06.2023 under Sections 341/323/325/304/34 of the Indian Penal Code.

In the matter of : **Laxman Singh.**

.... Petitioner.

Mr. Pawan Kr. Gupta,
Mr. Sougata Mitra,
Ms. Sofia Nesar,
Mr. Santanu Sett.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

1. Petitioner is in custody for 135 days. Investigation is complete. He submits cause of death was recorded in the medical report as road traffic accident. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends nature of injuries suffered on both sides of the head and the opinion of the post mortem doctor that victim suffered head injury caused by a hard blunt substance probabibilises homicidal death. Statement of witnesses show petitioner was caught with a friend and was assaulted with a branch of tree.
3. We have considered the materials on record. Whether petitioner intended to murder the victim requires to be assessed in the light of the attending circumstances in the case. Offences, even if proved, would not attract mandatory life imprisonment.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz, **Laxman Singh** 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, Purulia subject to condition that he 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.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)