

01.12.2023
Sl. No.63
akd
[ALLOWED]

C. R. M. (DB) 4474 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2023 in connection with Domjur Police Station Case No.193 of 2023 dated 17.03.2023 under Sections 427/304 of the Indian Penal Code read with Section 185 of the Motor Vehicles Act and Section 3 of the Prevention of Damage to Public Property Act. (G.R. Case No.1245 of 2023)

And

In Re: ***Pintu Kumar Mahato***

... .. Petitioner

Mr. Sourav Mukherjee

... .. for the petitioner

Mr. Abhra Mukherjee

Mr. Santanu Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 8½ months. It is further submitted ingredients of the offence punishable under Section 304 IPC are not disclosed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was driving the vehicle and caused an accident. As a result, one person died.
3. We have considered the materials on record. Whether the act of the petitioner would fall within the ambit of Section 304 IPC or under Section 304A IPC requires to be assessed during trial. Petitioner is in custody for 8½ months. There is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Pintu Kumar 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 Chief Judicial Magistrate, Howrah 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)