

19.12.2023.
Item No. 120.
ap
(Allowed)

C.R.M. (DB) 4514 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.11.2023 in connection with Nabadwip Police Station Case No. 194 of 2023 dated 18.04.2023 under Sections 448/325/326/308/302/379/506/34 of the Indian Penal Code.

And

In the matter of: Sourabh Debnath @ Sourav Debnath.
...Petitioner

Mrs. Karabi Roy ...For the petitioner

Mr. Madhusudan Sur,
Ms. Sonali Bhar.For the State

1. Learned Advocate for the petitioner submits that petitioner is in custody for 148 days and co-accused are on bail. There was a free fight and both parties suffered injuries. He prays for bail.

2. Learned Advocate for the State opposes the prayer for bail and submits that injured witnesses have named the petitioner as one of the assailants.

3. We have considered the materials on record. Statements of the witnesses with regard to participation in the assault must be considered in the light of the fact that there was free fight and both parties suffered injuries. Whether the petitioner intended to murder the victim is unclear. Under such circumstances and co-accused have been enlarged on bail, we are inclined to grant bail to the petitioner.

4. Therefore, the petitioner, namely, Sourabh Debnath @ Sourav Debnath, 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 Judicial Magistrate, Nabadwip at Nadia subject to the 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 or commit similar offences in future.

5. 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 automatically without reference to this court.

6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)