

19.12.2023
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allowed

CRM(DB) No. 4535 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lake Town Police Station Case No. 129 of 2023 dated 26.06.2023 under Sections 279/304/427/308 of the Indian Penal Code and Section 181 of the M. V. Act.

And
In Re : Faijulla Gazi petitioner

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous
.....for the petitioner

Mr. Goutam Wilson
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 175 days. Investigation is complete. It is also submitted that ingredients of offence under Section 304 of the Indian Penal Code are not disclosed. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits he is a habitual offender. While escaping in a stolen vehicle he dashed into another vehicle and killed four persons.

3. We have considered the materials on record. Though petitioner has criminal antecedents, it is to be decided in the course of trial whether in the factual matrix of the case ingredients of Section 304 of the Indian Penal Code would be attracted. Keeping in mind aforesaid fact we are of the opinion petitioner may be granted bail subject to conditions.

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 District and Sessions Judge, 4th Court, Barasat, 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 and on further condition that he shall meet the Officer-in-Charge, Lake Town Police Station once in a week until further orders.

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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)