

20.12.2023.
121.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 4641 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanapara P. S. Case No.64 of 2022 dated 04.04.2022 under Section 302 of the Indian Penal Code.

In the matter of : **Siraj Mondal.**

.... Petitioner.

Mr. A. Mondal,
Md. Bani Israil.

...for the Petitioner.

Mr. P. P. Das,
Ms. D. Dasgupta.

...for the State.

Mr. A. Islam,
Mr. S. Mukherjee.

...for the de-facto complainant.

1. Petitioner is in custody for 624 days. He submits incident occurred in course of a sudden quarrel while sowing seeds in the field. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. Learned Advocate for de-facto complainant also opposes the bail prayer. He contends weapon of offence was recovered from the petitioner.
4. We have considered the materials on record. Incident occurred in course of a sudden quarrel while sowing seeds in the field. It cannot be said that the petitioner acted with pre-meditation. He had dealt a single blow. Intention to murder requires to be assessed in light of the aforesaid circumstance during trial.

5. Under such circumstances and in view of period of detention suffered by him, we are inclined to grant bail to the petitioner subject to strict conditions.

6. Accordingly, 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, Tehatta, Nadia 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Thanapara Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

7. 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. The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

