

04.01.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (DB) 4640 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Maidan Police Station Case No.92 of 2022 dated 06.10.2022 under Sections 307/34 of the Indian Penal Code. (G.R. Case No.1166 of 2022)

And

In Re: ***Kishan Yadav & Anr.***

... .. Petitioners

Ms. Minoti Gomes
Mr. Srikanta Paul
Mr. Dipak Chowdhury
Mr. Raunak Basak

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 88 days. It is further submitted incident occurred in course of a free fight.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of attempt to murder requires to be assessed in the light of the aforesaid submission made on behalf of the petitioners. Balancing the nature of accusation with the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Kishan Yadav & (2) Jayram Mahato**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Chief Metropolitan Magistrate, Kolkata subject to condition that the said petitioners 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.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)