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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 84 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Kotwali Police Station Case No. 564 of 2022 dated 28.05.2022 under Sections 120B/302 of the Indian Penal Code.

In the matter of : Krishna Sarkar @ Krishno Sakara
... petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das

...for the petitioner

Mr. Kallol Acharjee,
Mr. Kallol Nag

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner submits that the petitioner is in custody for about eight months. Upon there being a tussle with the stepbrother of the petitioner, the victim, an altercation took place and the alleged offence was committed. It is submitted that the entire incident happened in the heat of the moment and, as such, there are mitigating circumstances for grant of bail.

Learned counsel appearing for the State opposes the prayer for bail and submits that the petitioner had cut the throat of his own stepbrother.

Be that as it may, since the proof of the alleged offence is the subject-matter of trial, without entering into a value judgment regarding the same, we are of the opinion that since the petitioner is in custody for about eight months, bail ought to be granted to the petitioner.

Accordingly, CRM (DB) 84 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)