

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

03.03.2023.
18/tkm

C.R.M. (DB) 134 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Pundibari P.S case no. 196 of 2021 dated 26.4.2021 under sections 302/34 IPC, Charge sheet submitted under sections 304/34 IPC

and

Allowed

In Re : Subrata Shil @ Puchka @ Babu petitioner

Ms. S S (Mandal)
Mr. S Sah

..... for the petitioner

Mr. A S Chakraborty, Id APP
Mr. K Nag

..... for the State

Petitioner is in custody for more than two years. It is submitted incident occurred in the course of a sudden quarrel. Mother of the petitioner had been assaulted and was medically treated. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioner is the principal accused. Mother of the petitioner i.e. co-accused absconded. This caused delay.

In reply, it is submitted that the co-accused has been granted pre-arrest bail in CRM(A) 773 of 2022.

We have considered the materials on record. Petitioner is a barber. There was a dispute between the petitioner and the victim. A skirmish ensued. Petitioner stabbed the victim with scissors. As a result, the victim suffered injury and subsequently expired. Mother of the petitioner had also suffered injury in the course of incident. While it is contended

that the petitioner had acted in defence of his mother who had been assaulted, prosecution would propose that he had struck the victim on vital parts of the body. Rival versions may be thrashed out in the course of trial. Petitioner does not have criminal antecedents and there is no chance of his abscondence. He has already suffered detention for more than two years.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Coochbehar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 134 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)