

12.07.2023

Item no.4

Court No.1.

AB

(Allowed)

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

CRM (DB) No. 194 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No.257 of 2022 Dated 21.09.2022 under Section 302 of the Indian Penal Code

And

In the matter of : Gobinda Barman

.....Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharya.....for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

It is contended on behalf of the petitioner that considering the fact that the alleged incident might have occurred on account of family dispute and hot altercation and considering the fact that investigation has already been completed in the meantime, the instant application for bail may be considered favourably.

Prayer for bail is opposed on behalf of the State.

We have perused the entire material in the case diary. Prima facie, it appears that the alleged incident occurred on account of family turmoil over which the present accused

petitioner had given a heavy push to the victim, as a result of which the victim fell down and suffered injury on his head and subsequently succumbed to such injury.

Investigation is stated to have been completed in the meantime. In our considered view, this is not a fit case for custodial trial.

Accordingly, we direct that the petitioner, namely Gobinda Barman shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Sessions Judge, Fast Track Court, Siliguri and on further condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

