

19.01.2024
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allowed

CRM(DB) No. 162 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 767 of 2022 dated 03.08.2022 under Sections 341/325/326/307 of the Indian Penal Code.

And
In Re : Debasish Sarkar petitioner

Ms. Sananda Bhattacharyya
....for the petitioner

Mr. Soumik Ganguli
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and five months. It is also submitted charge has not yet been framed. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had assaulted his father-in-law with a sharp cutting weapon.

3. We have considered the materials on record. There was a family dispute. Petitioner is in custody for more than one year and five months. Examination of witnesses has not begun. There is no possibility of trial concluding in near future. Balancing the nature of accusation with the period of detention suffered by petitioner we are inclined to grant bail to him.

4. Accordingly, we direct that 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, Ranaghat, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)