

02.02.2024
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 300 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.01.2024 in connection with Murutia Police Station Case No.222 of 2023 dated 01.08.2023 under Sections 341/302 of the Indian Penal Code.

And

In Re: ***Khokon Sk. @ Safikul Sk. @ Khokan Sk.***

... .. Petitioner

Mrs. Karabi Roy

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Ms. Baisali Basu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 114 days. It is further submitted victim had survived for a month. Ingredients of the offence of murder are not disclosed. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim suffered multiple injuries.
3. We have considered the materials on record. Statements of witnesses show there was prior enmity and a skirmish ensued on the date of occurrence. Thereafter, victim was seen lying bleeding on the road. There were injuries on the body of the victim. He survived for about a month. Whether the petitioner intended to murder or the injuries were sufficient in ordinary course of nature to cause death requires to be assessed during trial. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Khokon Sk. @ Safikul Sk. @ Khokan Sk.***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the said petitioner 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)