

19.02.2024
Sl. No.55
akd
[ALLOWED]

C. R. M. (DB) 487 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2024 in connection with Kalna Police Station Case No.1236 of 2023 dated 24.10.2023 under Sections 304/34 of the Indian Penal Code. (G.R. Case No.2457 of 2023)

And

In Re: ***Alamgir Sk. & Anr.***

... .. Petitioners

Mr. Uday Sankar Chattopadhyay
Ms. Payel Shome
Ms. Trisha Rakshit
Mr. Rajashree Tah

... .. for the petitioners

Mr. Aniket Mitra

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 117 days. It is further submitted petitioners did not have intention to murder. They were inebriated and scuffled. As a result victim suffered injuries and died. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses as well as the post mortem report corroborate the plea that the victim was inebriated. Petitioners and the victim entered in a drunken brawl. As a result, victim suffered injuries and died. There is no chance of abscondence of the petitioners. Under such circumstances and in view of the period of detention suffered by them, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Alamgir Sk. & (2) Raibul Sk. @ Rahibul Sk.,*** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of

like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)