

01.04.2024
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allowed

CRM (DB) No. 677 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagatballavpur Police Station Case No. 03 of 2023 dated 04.01.2023 under Section 302 of the Indian Penal Code.

And
In Re : Dibakar Bera petitioner

Mr. Ashok Das
Mr. Sourav Mukherjee
Ms. Hasi Jana
.....for the petitioner

Mr. Partha Pratim Das
Mr. Arabinda Manna
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted victim died due to accidental drowning. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Post mortem report shows victim died due to drowning. Whether cause of death is homicidal or accidental requires to be assessed during trial. Petitioner has made out an arguable case in his favour. He is in custody for a considerable period of time. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Howrah, 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.)