

19.03.2024
tkm/ct 28
sl no. 55

C.R.M. (DB) 851 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalyani P.S case no. 351 of 2022 dated 1.7.2022 under sections 302/34 IPC
and

Allowed In Re : Joydeb Dey @ Santu ... petitioner

Mr. S K Das
Ms.Bushra Feroz
..... for the petitioner
Ms. Trina Mitra
..... for the State

1. Petitioner submits there was a sudden altercation. He did not have intention to murder. He is in custody for more than a year. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner contends the incident occurred with premeditation. He did not have intention to murder. However, his bail prayer was rejected earlier on merits in April 2023. There is no progress in trial since then.
4. In view of the aforesaid circumstances and as there is no chance of abscondence we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 ACJM Kalyani on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. 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.
7. The application being CRM (DB) 851 of 2024 is disposed of.

(Gaurang Kanth, J.) **(Joymalya Bagchi, J.)**