

03.04.2024
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S.D./A.D.
Bail

CRM(DB) No. 987 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. 206 of 2023 dated 08.08.2023 under Sections 302/34 of the Indian Penal Code.

And
In Re : Sk. Abu Bakkar petitioner

Mr. Mrityunjoy Chatterjee
Mr. Akash Sarkar
.....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.,
.... for the State

1. Petitioner submits there was a dispute between family members over feeding of pigeons. Incident occurred in the spur of the moment and petitioner had no intention to murder the victim. He prays for bail.

2. Learned Lawyer for the State submits petitioner had assaulted the victim resulting in his death.

3. We have considered the materials on record. A dispute cropped up amongst family members with regard to feeding of pigeons. Suddenly, petitioner hit the victim with a bamboo on the head. Whether the petitioner intended to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial. There is no chance of abscondence.

4. Accordingly, we are inclined to grant bail to the petitioner.

5. 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 condition that 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)