

08.04.2024
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allowed

CRM (DB) No. 1035 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 240 of 2021 dated 04.08.2021 under Sections 452/326A of the Indian Penal Code.

And

In Re : Avijit Ghosh @ Abjijit Ghosh @ Sudhanya Ghosh
..... petitioner

Mr. Soubhik Mitter
Mr. Litan Maitra
Mr. Kalyan Kumar Bhattacharjee
Ms. Rajnandini Das

....for the petitioner

Ms. Sonali Das
Mr. Atulya Sinha

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and eight months. It is also submitted evidence of the vital witnesses i.e. the victim and her relations are inconsistent with regard to the cause of injury. He prays for bail.

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

3. We have considered the materials on record. PW 2 is the victim. While in chief she stated petitioner had thrown acid at her, during cross-examination she claimed she suffered injury while boiling milk. Be that as it may, vital witnesses have already been examined. Presiding Officer is absent and there is no chance of trial concluding in the near future. 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, Krishnanagar, 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.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)