

10.05.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 1443 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.04.2024 in connection with Bhutni Police Station Case No.14 of 2024 dated 04.02.2024 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.661 of 2024)

And

In Re: ***Pipal Mandal***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Aditya Tiwari

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Arijit Ganguly
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that there was a dispute between neighbours over fencing. A scuffle ensued. Victim was suffering from cardiac problems and succumbed in course of the scuffle. Petitioner had no intention to murder the victim. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had hit the victim with a *lathi* on the head. These injuries contributed to the death.
3. We have considered the materials on record. There was a fight between neighbours over fencing of property. As per post mortem report cause of death is due to effect of injuries associated with diseased condition of heart. Petitioner had no intention to murder the victim. There is no chance of abscondence. Investigation is complete. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Pipal Mandal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)