

26.06.2024
Item no. 55.
Court No.28.
AB
(Allowed)

CRM (DB) 1865 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Simlapal Police Station Case No.23 of 2024 Dated 16.3.2024 under Sections 279/338/304/427 of the Indian Penal Code read with Section 180/181 of the Motor Vehicles Act

And

In the matter of : Akash Duley

.....Petitioner.

Mr. Arkaprabho Roy
Ms. R. Mukherjee

.....for the Petitioner.

Mr. Saibal Bapuli,
Mr. Avishek Verma

.....for the State.

The allegation is that the petitioner, who has licence to drive a light vehicle, was driving a truck. A motorcycle coming from the opposite side collided with the truck. Two children, 3 and 5 years old, who were on the motorcycle, died.

The petitioner says that Section 304 is not applicable although the same is mentioned in the charge sheet. At the highest it can be Section 304A IPC. To that extent, learned Advocate for the State fairly agrees.

Be that as it may, we find that investigation is complete and charge sheet has been filed. The petitioner is in custody for 95 days. No useful purpose will be served by detaining him in custody any further. Therefore, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely **Akash Duley** 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 Additional Chief Judicial Magistrate, Khatra, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall not drive any vehicle without the leave of the learned Trial Court until further orders.

The 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

