

### CRM (DB) 1868 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gazole Police Station** Case No. **690 of 2023** dated **22.08.2023** under Sections **302** of the Indian Penal Code.

- A n d -

**In the matter of : Badal Mandal**

.... Petitioner.

Mr. Sagar Saha,

... For the Petitioner.

Mr. Joydeep Roy,  
Mr. A. Dewan,

... For the State.

The charge is under Section 302. Supplementary charge sheet has been submitted on May 5, 2024 under Section 302 of the Indian Penal Code.

The petitioner is the son of the victim. The petitioner says that there was a quarrel between him and his father regarding an incident of the petitioner's daughter eloping with a boy. For such incident, the petitioner blamed his father. There was physical exchange. The petitioner's father fell down and hit his head against bricks, sustaining injury. After two days in hospital he returned home. He again fell ill and was hospitalized where he passed away.

Learned Advocate for the State produces the case diary and draws our attention to the material therein. He has shown us the statement of the petitioner's wife recorded under Section 164 of the Code of Criminal Procedure as also the statements of independent witnesses. The same *prima facie* seem to corroborate the petitioner's version.

Investigation is complete. The petitioner is in custody for more than seven months. On an overall assessment of the quality

and nature of material on record, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, **Badal Mandal**, 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, Malda 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 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.

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.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**( Apurba Sinha Ray, J. )**

**( Arijit Banerjee, J. )**