

30.7.2024
Ct. No. 6
SL No. 50
SB /
Tanmoy

C.R.M. (DB) 2092 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dhantala** P.S. Case No. 108 of **2024** dated 16.02.2024 under Sections 341/323/325/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

And

In the matter of: Biswajit Sadhukhan

Ms. Sananda Bhattacharyya

...for the Petitioner

Mr. Anand Keshri

Mr. Saptarshi Chakrabortyfor the State

1. Learned counsel for the petitioner contends he is in custody for 162 days. He submits victim died eight days after the incident. Ingredients of offence under Section 302 I.P.C. are not disclosed. He prays for bail. Co-accused namely, Sumit Biswas is on bail.
2. Learned counsel for the State opposes the bail prayer. He submits deceased is the brother of a lady who had a relationship with one Subrata. He had opposed the said relationship. As a result, Subrata and his associates assaulted the victim resulting in his death.
3. We have considered the materials on record. Dispute arose as the deceased had opposed the relationship between his sister and one Subrata. Statements show the petitioner and the co-accused had assaulted the victim. After eight days he had expired. Co-accused Sumit Biswas has been enlarged on bail, though on the ground of tender age. However, the post mortem report does not indicate the injuries are sufficient in ordinary course of nature to cause death. Allegations against the petitioner are general and omnibus and there is no chance of abscondence.

4. Under such circumstances, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)