

44.            06.08.2024  
Court  
No.6            (Tanmoy)

Allowed

CRM (DB) 2102 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jagaddal** Police Station Case No. **146/2024**, dated **28.04.2024** under Sections **341/324/325/326/307/34** of the Indian Penal Code.

And

In the matter of: - **Kamal Sarkar @ Kalu**

...petitioner.

Mr. Debasis Kar

...for the petitioner.

Mr. Md. Adil Badr, Jr. Govt. Adv.

Mr. Nirupam Dhali

...for the State.

Mr. Moyukh Mukherjee

Mr. Abhijit Singh

...for the *de facto* complainant.

1. Heard learned counsel for the petitioner as well as learned counsel for the State and the victim.
2. We have considered the materials on record including the injury report. Petitioner is in custody for 90 days. Investigation is substantially over.
3. Under such circumstances, we are of the opinion further custodial detention of the petitioner is not necessary. He may be enlarged on bail.
4. Accordingly, we direct the petitioner, namely, **Kamal Sarkar @ Kalu** 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 District & Sessions Judge, 1<sup>st</sup> Court, Barrackpore, North 24 Parganas 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Jagaddal police station except for the purpose of attending Court proceedings and shall provide the address where he shall be residing to the jurisdictional police station, until further orders.

5. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel the his bail without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)