

02.08.2024
tkm/ct 6
sl no. 30

C.R.M. (DB) 2174 of 2024

In Re : An application for bail under section 439 Cr.P.C (section 483 of Bharatia Nagarik Suraksha Sanhita, 2023) in connection with Kankartala P.S case no. 36 of 2024 dated 28.3.2024 under sections 302/120B IPC

And

In Re : Prasenjit Bauri & Anr. petitioners

Mr. Kunal Ganguly

..... for the petitioners

Ms. Sreyashi Biswas

Ms. Rituparna Saha

..... for the State

1. Petitioners are in custody for 125 days. They submit gun was fired accidentally causing injuries. Petitioners rushed the victim to hospital but he did not survive. Accordingly they pray for bail.
2. Learned counsel for the State opposes the bail prayer. He submits petitioner no. 1 had gun from which bullet was fired.
3. We have considered the materials on record. Petitioners and the victim were gossiping together. Victim suffered gunshot injury and petitioners took him to the hospital. Subsequent conduct of the petitioners give an impression that they did not intend to murder the victim. It is their specific defence the gun had been fired accidentally. They do not have criminal antecedents and there is no chance of abscondence. Investigation is complete.
4. Under such circumstances, we are inclined to grant bail to the petitioners.
5. Accordingly, the petitioners 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 Judicial Magistrate, Dubrajpur on condition that the petitioners

shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application being CRM (DB) 2174 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)