

05.11.2024
Sl. No.66
SG
[ALLOWED]

C. R. M. (DB) 2862 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2024 in connection with Panchla Police Station Case No.104 of 2024 dated 24.03.2024 under Section 302 of the Indian Penal Code.

And

In Re: **Sourav Gayen @ Sakti Gayen**

... .. Petitioner

Mr. Rachit Lakhmani,
Sk. Samiul Hoque,
Mr. Shubham Gupta,
Mr. Raunak Shaw.

... .. for the petitioner

Mr. Bitasok Banerjee,
Ms. Eshita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for more than seven months. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner and his friends had gone out on Kali Puja night. They had consumed alcohol. Post-mortem report shows the victim died due to drowning. Possibility of accidental drowning cannot be wholly ruled out. Petitioner is in custody for a considerable period of time. There is no possibility of trial concluding in the near future.
4. Therefore, the accused/petitioner, namely **Sourav Gayen @ Sakti Gayen**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah

subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)