

05.11.2024
Sl. No.73
SG
[ALLOWED]

C. R. M. (DB) 3094 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2024 in connection with Barasat Police Station Case No. 910 of 2023 dated 17.12.2023 under Sections 341/326/307/34 and addition Section 302 of the Indian Penal Code.

And

In Re: **Gopal Sarkar**

... .. Petitioner

Mr. Sourav Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal
Mr. Abhirup Halder

... .. for the petitioner

Mr. Suman De
Mr. Debanshu Ghorai

... .. for the State

1. Supplementary affidavit filed in Court today be kept with the record.
2. It is submitted on behalf of the petitioner he is in custody for more than nine months. He further submits victim had been initially admitted to a hospital and was released. Subsequently, he suffered a road accident and died on 28.12.2023. Statement of the doctor who treated him at NRS Hospital and the unnatural death case records corroborate his version. Accordingly, he prays for bail.
3. Learned Advocate for the State submits petitioner's name had transpired as the assailant at the hospital. Subsequently, the victim had died.
4. We have considered the materials on record. Victim was initially assaulted in the night of 15.12.2023 and was

admitted in hospital. In the hospital he had disclosed the name of the petitioner as his assailant. Subsequently, he was released from the hospital and was again admitted at NRS Medical College and Hospital on 28.12.2023. Statement of the medical officer who treated him at NRS Medical College and Hospital shows he had suffered injuries due to road accident. In view of the aforesaid fact it is possible that the victim after his initial release from hospital had suffered a road accident which resulted in his death. Keeping in mind these extenuating circumstances, we are of the opinion petitioner is entitled to bail.

5. Therefore, the accused/petitioner, namely **Gopal Sarkar**, 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, North 24-Parganas at Barasat 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)