

08.01.2024
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3829 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.09.2023 in connection with Hirapur Police Station Case No.06 of 2022 dated 07.01.2022 under Sections 341/304/34 of the Indian Penal Code. (G.R. Case No.94 of 2022)

And

In Re: ***Astick Tantubay @ Astik Tantubai***

... .. Petitioner

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted case has not yet been committed. There is no possibility of trial commencing in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits co-accused are absconding.
3. We have considered the materials on record. Incident occurred over keeping a cart selling food items in front of the house of the accused. There was a quarrel between the deceased seller on the one hand and the accused persons on the other hand. Accused persons assaulted the deceased. Though it is alleged they had made exhortation, it is relevant to note that the petitioner and others were unarmed. Deceased succumbed to his injuries on the next day. Co-accused are absconding and there is no possibility of commitment in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of

the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Astick Tantubay @ Astik Tantubai***, 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, Paschim Bardhaman 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.)