

19.01.2024
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allowed

CRM(DB) No. 4676 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santiniketan Police Station Case No. 153 of 2023 dated 30.09.2023 under Sections 109/302/201/34 of the Indian Penal Code.

And
In Re : Aditya Bhakat petitioner

Ms. Ameena Kabir
....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Sujoy Sarkar
.... for the State

1. Learned Counsel for the petitioner submits he runs a drug rehabilitation centre. Victim suffered unfortunate death. He was not present at the place of occurrence. He is no way involved in the crime. He is in custody for 111 days. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner did not have valid licence to run the centre. Deceased was assaulted and suffered homicidal death.

3. We have considered the materials on record. Petitioner claims he ran a drug rehabilitation centre and does not have licence. Victim was admitted in the said centre. Associates were unable to manage the victim and brutally assaulted him. As a result he suffered from injuries and died. Petitioner was not present at the place of occurrence. Keeping in mind the aforesaid

facts we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

4. Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Bolpur, Birbhum, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)