

19.02.2025
Item no. 88.
Court No.29.
AB
(Allowed)

CRM (DB) 210 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ramnagar Police Station Case No.353 of 2024 Dated 11.07.2024 under Section 103(1) of the B.N.S. 2023

And

In the matter of : Lotan Ghorai Petitioner.

Md. Zeeshanuddin
Mr. M. H. Choudhury for the Petitioner.

Mr. Bibaswan Bhattacharya
Ms. Jonaki Saha for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he had no intention of murdering the victim. It all happened in the heat of the moment. Investigation is complete. Charge sheet has been filed. He is in custody for more than 210 days.
2. Learned State Advocate tells us that the petitioner is the son-in-law of the defacto complainant. The victim is the son of the defacto complainant. On the relevant day, there was an altercation between the victim and the petitioner. The petitioner suddenly stabbed the victim with a knife causing grievous injury. The victim succumbed to such injury in hospital. There is overwhelming evidence against the petitioner. There are only 12 charge sheet named witnesses. Charge has been framed.

3. We have considered the material on record. We do not wish to make any comment on merits. Charge has been framed. We do not see that this is a case where custodial trial is necessary. The petitioner is married to the defacto complainant's daughter. There is hardly any chance of the petitioner's absconsion.
4. Hence, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **LOTAN GHORAI** 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, Contai, and on further conditions that he shall remain within the jurisdiction of the Egra Police Station and shall report to the Inspector-in-Charge of the Egra Police Station once in a week until further orders.
6. The 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 and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)