

28
04.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (DB) 629 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Uluberia P.S. Case No. 339 of 2024 dated 31.08.2024 under Sections 118(2)/109 of BNS charge framed under Sections 117(2)/109 of BNS, 2023.

And

In Re : **Sk. Toton**

... Petitioner.

Mr. Anindya Ghosh

Mr. Pronojit Roy ... for the Petitioner.

Mr. Saibal Bapuli

Ms. Nandini Chatterjee ... For the State.

Heard learned counsels for the parties.

The petitioner is in custody for more than 200 days.

Incident occurred on the spur of the moment. The victim was inebriated and started using abusive language towards the petitioner and the petitioner retaliated. He had no intention to cause injury to the victim. Charge sheet has been submitted. Witness action is yet to commence.

Learned counsel for the State produces the case diary and opposes the prayer.

It appears that the petitioner is in custody for more than 200 days. The victim sustained cut throat injury and was hospitalized for about 6 days. The criminal intent of the petitioner in inflicting injury to the victim shall be analyzed in the light of the evidence recorded during trial at the appropriate stage.

Considering the period of detention of the petitioner as well as material available on record, this Court is of the view that further detention of the petitioner is not required and he may be released on bail subject to conditions.

The prayer for bail is allowed.

The petitioner, **Sk. Toton** be released on bail upon furnishing 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 Additional Chief Judicial Magistrate, Uluberia subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

If the petitioner fails to appear before the learned trial Court on any date fixed before it without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)