

22.04.2025

58

jb.

jdt.

Allowed

C.R.M. (DB) 815 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya of the Bharatia Nagarik Suraksha Sanhita in connection with Kalyani Police Station Case No. 177 of 2024 dated 6th March, 2024 under Sections 304/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Raja Chhaiyal @ Chaiyal

... Petitioner.

Mr. Shibaji Kr. Das

... For the Petitioner.

Ms. Baishali Basu (Sur)

Mr. Samarjit Balial

... For the State.

On prayer of the petitioner liberty is granted to correct the cause title of the application.

The petitioner is in custody for about 400 days and prays for bail.

Learned counsel for the petitioner submits that in course of a get together among friends, a gun was brought by the co-accused Rakesh Das and while handling the gun, a bullet was fired at the victim due to inadvertence. The incident was accidental and the petitioner had no intention to shoot at the victim. Co-accused are on bail.

Opposing the prayer for bail, learned counsel for the State submits that the petitioner is the principal assailant who shot at the victim and stands on a different footing from the co-accused who have been granted bail.

I have considered the material on record.

It appears that co-accused Rakesh Das who is on bail had brought the fire arm which was found with the petitioner after the

gun shot injury was inflicted upon the victim. Charge-sheet has been submitted. The incident has been referred to as accidental by one of the witnesses. The petitioner and others took the victim to the hospital immediately.

Upon consideration of the material on record and extent of complicity of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioner is not required. He may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Raja Chhaiyal @ Chhaiyal shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani, Nadia subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and he shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any 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 disposed of.

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.)