

27
17.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 83 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Goghat P.S. Case No. 48 of 2020 dated 13.02.2020 under Sections 302/34 of IPC.

And

In Re : **Pratap Mallick**

... Petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Sampurna Chatterjee
Mr. Souvik Dey ... for the Petitioner.

Mr. Saryati Dutta
Ms. Trisha Rakshit ... For the State.

Learned counsel for the petitioner submits that the petitioner is in custody for more than 5 years.

There was cordial relationship between the petitioner and the deceased and the incident occurred on the spur of the moment. It was not premeditated murder and can at best be held to be under Section 304 of the Indian Penal Code. Out of 18 witnesses, 8 witnesses have been examined.

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

It appears from the record that there was a cordial relation between the petitioner and the victim and the incident occurred when they were going together for partaking *prasad* on an occasion. A quarrel ensued between them and the petitioner hit the victim with a bamboo stick. Trial has proceeded to some extent.

Considering the material on record including the statement of witnesses, the post mortem report as well as period of detention of the petitioner, prayer for bail is allowed.

The petitioner, namely, **Pratap Mallick** 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, Arambagh, Hooghly subject to condition that he shall remain outside the jurisdiction of Goghat P.S. and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. 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.

In the event the petitioner fails to comply with any of the conditions as stated above 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.)