

30.05.2024
Item No.18
Ct. No. 8
CHC/ S.De
Allowed
(VACATION BENCH)

C.R.M.(DB) 1730 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Pragati Maidan** Police Station Case No. **53 of 2024** dated **27.03.2024** under Sections **304/34** of the Indian Penal Code.

And

In the matter of : Dipak Das

..... petitioner

Mr. Pritam Roy,
Mr. Soewel Bhattacharya,
Ms. Sarmistha Basak
....for the petitioner

Mr. Arindam Sen,
Mr. Bikram Mitra
....for the State

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 62 days and the incident if at all accepted to be true in its entirety was on grave and sudden provocation and there was no guilty mind attached so far as the present petitioner is concerned.

Learned advocate for the petitioner under such circumstances submits that the petitioner be released on bail on any stringent condition.

Learned advocate for the State opposes the prayer for bail and draws the attention of the Court to the injury report as also the Post Mortem Report and submits that because of the head injury, the victim succumbed to the injuries and it is the

petitioner who was principally involved in commission of the alleged offence.

We have taken into account the submissions as well as the materials appearing in the Case Diary and having regard to the period of detention of the present petitioner and the fact that all the accused persons have been arrested in connection with the instant case, as also the fact that there was no pre-concerted design in the alleged commission of the offence, we are of the view that further detention of the petitioner is unwarranted in the facts and circumstances of the present case.

Accordingly, the petitioner shall furnish a 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 Learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas. If on bail, the petitioner shall meet with the Investigating Officer of the case once in a week till the submission of the charge-sheet. If the presence of the petitioner is further required or his appearance is to be ensured before the Trial Court, prosecution/investigating agency will advance such prayer which the Learned A.C.J.M., Alipore who will consider the same after submission of the charge-sheet. If the petitioner intends to leave the jurisdiction of the District of Kolkata, and 24 Parganas (South), petitioner shall seek permission from the Learned A.C.J.M., Alipore or the Trial Court in seisin of the case.

Any violation of condition of the bail will entitle the Learned Trial Court or the Learned Magistrate in seising of the matter to cancel the bail without further reference to this Court.

This application for bail is, thus, allowed.

CRM(DB) 1730 of 2024 is disposed of.

(Tirthankar Ghosh, J.)

(Biswaroop Chowdhury, J.)