

15.12.2022  
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allowed

**CRM(DB) No. 3990 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tarakeswar Police Station Case No. 05 of 2017 dated 09.01.2017 under Section 302 of the Indian Penal Code.

And

In Re : ..... petitioner

Mr. Phiroze Edulji  
M. Rajnandini Das

.....for the petitioner

Mr. Sudip Ghosh  
Mr. Apurba Kumar Datta

..... for the State

Medical report filed by the learned Counsel appearing for the State is placed on record. It shows petitioner is not fit to face the trial. Petitioner is in custody for more than four years. He requires medical attention.

Under such circumstances, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- executed by his father, Joydev Koley, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandernagore, Hooghly, subject to condition that petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail is, accordingly, allowed.

Investigating agency shall arrange for medical assessment of the petitioner by the aforesaid Medical Board or any other Board that may be constituted by the Director of Medical Services and such reports shall be filed before the trial court. As and when the Board certifies that the petitioner is fit for trial, the trial court shall direct the petitioner to appear before it and the proceeding shall be taken to its logical conclusion in accordance with law.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**