

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

19.08.2019.
10.
as
(Allowed).

C.R.M. 618 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2019 in connection with Birpara P. S. Case No.150 of 2018 dated 20.12.2018 under Sections 302/34 of the Indian Penal Code read with Sections 25(1)(a) & 27 of the Arms Act adding Sections 202/213 of the Indian Penal Code and charge sheet No.Birpara P.S. Case No.35 of 2019 dated 04.03/2019 submitted under Sections 302/34 of the Indian Penal Code read with Section 25(1)(a) & 27 of the Arms Act and adding Section 202/213 of the Indian Penal Code.

In the matter of : Shri Ritraj Rai (Tamang) @ Bokey
& Ors.

... Petitioners.

Mr. Biswajit Das.

...for the Petitioners.

Mr. Arun Kr. Sarkar,
Mr. Abhijit Sarkar.

.....for the State.

Mr. Bhaskar Roy Mahashaya.

....for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they are
in custody for 226 days and co-accused persons have been
released on bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioners and the co-accused persons shared common intention and pursuant thereto fired at the victim resulting to their deaths.

Learned Advocate appearing for the de-facto complainant opposes the prayer for bail and submits that the petitioners had absconded after the crime and were arrested from a different State.

We have considered the materials on record. Complicity of the petitioners appear to be similar to that of co-accused persons who are on bail. However, in view of the submission that there is likelihood that the petitioners may abscond, we direct that they shall be released on bail, however, subject to strict conditions.

Accordingly, the petitioners, namely, Shri Ritraj Rai (Tamang) @ Bokey, Shri Kundan Bhujal, Shri Dipraj Chhetri, Shri Dhiraj Chhetri and Shri Shivraj Bhujal shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimate witnesses or tamper with evidence in any manner whatsoever and on further condition that the

petitioners shall not enter the jurisdiction of Birpara Police Station except for the purposes of investigation and attending court proceeding and shall provide the address where they shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction they shall reside once in a week until further orders.

In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application, being CRM 618 of 2019, is disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)