

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

19.08.2019
tkm/ct 1
sl no. 21

C.R.M. 670 of 2019

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 13.8.2019 in connection with Bhaktinagar P.S Case no. 344 of 2019 dated 9.5.2019 under sections 302/325/34 of the IPC

And

Allowed

In Re : Sri Dawa Sherpa petitioner

Mr. J. Choudhury
Mr. Rohit Agarwal
Mr. A. Singhal

..... for the petitioner

Mr. Arun Kr. Sarkar
Mr. A. Sarkar

..... for the State

Petitioner is in custody for 80 days and it is submitted on behalf of the petitioner that co-accused Sri Kumar Sherpa has been granted bail by a co-ordinate Bench of this court.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner and other accused persons conjointly assaulted the victim resulting in his death.

Having considered the material on record and bearing in mind the nature of allegations and in view of the extent of complicity of the petitioner in the alleged crime and as co-accused Sri Kumar Sherpa is on bail, we are inclined to extend similar privilege to the petitioner also.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.30,000/- with two sureties of like amount each, one of whom must be local having landed property and bank account, subject to the satisfaction of the learned CJM, Jalpaiguri

on condition that the petitioner shall meet the investigating officer on every alternative day for a period of two months and on further condition that he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 670 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)