

10.06.2021
Tkm/aj/ct 28
sl no. 88

**C.R.M. 1833 of 2021
(Through video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Balurghat P.S case no. 97/2019 dated 14.2.2019 under sections 302/201 of the IPC, charge sheet submitted under sections 302/201/506/34 IPC

And

Allowed

In Re : Sukumoni Soren @ Sukurmani Hemram & Ors.

..... petitioners

Mr. K. Choudhury
Ms. B Khatoon

..... for the petitioners

Mr. N Ahmed
Ms. Z N Khan

..... for the State

The application for bail under section 439 Cr. P.C has been filed by the accused in proceeding under section 302 IPC.

It is submitted by the counsel for the petitioners that charge sheet has been filed and the trial has commenced. Only four out of 34 witnesses have been examined till date. Two of the accused namely Kabiraj Murmu and Buddi Nath Soren have been granted bail by this court.

It is indeed true that the petitioners are charged with offences under section 302 IPC which is rather serious in nature. But considering the fact that the petitioners are in custody for more than 700 days and that there is little possibility of the trial concluding in the near future in view of the pandemic and the lockdown imposed by the State, this court is of the view that the petitioners are entitled to enlarged on bail.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Sessions Judge, Special court, Dakshin Dinajpur at Balurghat on condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not enter the jurisdiction of Balurghat P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction they shall reside while on bail once in a week until further orders and shall provide the address where they shall presently reside to the investigating officer as well as court below while on bail. The petitioners shall surrender their passport to the Investigating Officer and if they do not possess a passport shall submit an affidavit to that effect before the Investigating Officer.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM 1833 of 2021 is disposed of.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)