

06.08.2021

Court No.28
Item No.15
(ALLOWED)

Ab

CRM 3427 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 16.04.2021 in connection with Jhargram Police Station Case No. 268 of 2020 dated 08.12.2020 under Sections 302/34 of the Indian Penal Code read with Sections 25(1-A)(1-B)/27 of the Arms Act;

And

In the matter of : **Subhankar Sahoo @ Leipe Sahoo @ Lepe.**
...Petitioner.

Mr. Sourav Chatterjee,
Mr. Avik Ghatak,
Mr. Sagnik Mukherjee.

...For the Petitioner

Mr. Neguive Ahmed,
Mr. Anwar Hossain,
Ms. Amita Gaur.

... For the State

Mr. Pravas Bhattacharya,
Mr. Suman De.

...For the defacto complainant.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Jhargram Police Station Case No. 268 of 2020 under Sections 302/34 of the Indian Penal Code read with Sections 25(1-A)(1-B)/27 of the Arms Act.

It is submitted on behalf of the petitioner that he did not give the fatal blow to the deceased nor used any firearm or any other weapon. The only allegation against the petitioner is that after the incident he drove the principal accused persons away from the place of occurrence. It is also submitted that he is in custody for about 240 days. The charge-sheet has been submitted in this case and, therefore, custodial interrogation is not necessary and he should be released on bail.

Learned Public Prosecutor in-Charge, on the other hand, has raised objection and relied upon the principle of Section 34 of the Indian Penal Code. It is submitted that the petitioner had a common intention to commit murder of the victim.

Having heard the learned Counsels and on careful perusal of the case diary specially the statement recorded under Section 164 of the Code of Criminal Procedure of one of the witnesses, it is ascertained that the role of the accused was limited to instigate the principal accused person in assaulting the victim and then driving them away from the spot.

Considering the fact that the charge-sheet has been submitted and in view of the extent of complicity, we are inclined to release the petitioner on bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000 /- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jhargram, subject to the condition that the petitioner shall appear before the Trial Court on each and every date of hearing and shall not leave the jurisdiction of the Jhargram Police Station without prior leave of the Court.

Violation of any of the conditions shall entail rejection of the order of bail without reference to this Bench.

The application for bail, being CRM 3427 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)