

26.08.2021

Court No.28
Item No.06
(Allowed)

Akd
&
As

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI

CRM 814 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kurseong Police Station Case No. 135 of 2020 dated 03.11.2020 under Sections 326/307/34 of the Indian Penal Code;

And

In the matter of : **Bhim Rai**

...Petitioner

Mr. Abhisek Palit

...For the Petitioner

**Mr. Ujjwal Luksom,
Mr. Sourav Ganguly.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kurseong Police Station Case No. 135 of 2020 under Sections 326/307/34 of the Indian Penal Code.

The present petitioner is implicated in connection with the instant case solely on the basis of the statement of the injured person disclosing his name without disclosing the role attributed to the commission of offence.

It appears in course of hearing that the present petitioner tried to resist and/or pacify the fight, which was started between the injured person and another co-accused, namely Bhanu Rai; but since he was there in the spot and being the brother of Bhanu Rai he is implicated in the instant case.

Since there is no specific role attributable in the commission of offence, we do not find that further detention of the petitioner is at all necessary.

The prayer for bail of the petitioner is thus allowed.

Accordingly, the petitioner, **Bhim Rai**, shall be released on bail upon furnishing a bond of Rs.5,000 /- (Rupees Five Thousand), with two sureties of like amount, one of whom must be local, to the

satisfaction of the learned Additional Chief Judicial Magistrate, Kurseong, Darjeeling, subject to the condition that the petitioner shall make himself available on each day of listing of the matter before the Court and on further condition that he shall meet the Investigating Officer of the concerned police station once in fortnight until further order.

In default of any condition as aforesaid, the Trial Court shall be at liberty to disentitle him to the privilege of bail granted by this Court without further reference to this Court.

The application for bail being CRM 814 of 2021 is **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)