

16.08.2021
Item no. 07 (J.C.)
Court No.32.
S.De.
(Allowed)

In the High Court at Calcutta
Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 820 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 04.08.2021 in connection with Dinhata Police Station Case No. 112 of 2021 dated 12.03.2021 under Sections 302/120B of the Indian Penal Code.

And

In the matter of : Bachcha Miya @ Bachha Miya & Ors.

.....Petitioners.

Mr. Sudip Guha, Advocate,

.....for the Petitioners.

Mr. Aditi Shankar Chakroborty, Ld. A.P.P.,

Mr. Biswarup Roy, Advocate,

.....for the State.

The charge is under Sections 302/120B of the Indian Penal Code.

We are told that out of seven accused persons, four have been granted bail by the learned Court below. Those persons include the person from whom recovery of the offending weapon was made. All seven persons were named in the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure.

On an over all consideration of the material in the case diary, it appears that the present petitioners stand on the

same if not better footing than the four persons who have been granted bail by the learned Court below. Charge sheet has been submitted.

In view of the aforesaid, we are inclined to allow the petitioners' prayer for bail.

Accordingly, we direct that the petitioners shall 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 Additional Chief Judicial Magistrate, Dinhata, and on further conditions that they shall remain within the jurisdiction of the concerned police station and they shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)