

29.04.2022
Serial no. 61
[Dd]
(Bail **Partly Allowed**)

CRM (DB) 1114 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Sonamukhi** Police Station Case No. **158 of 2021** dated **26.11.2021** under Sections **341/323/307/325/34** of the Indian Penal Code and after filing of charge sheet under Sections **341/323/307/325/34/302** of the Indian Penal Code.

-And-

In the matter of : Sarat Bauri & Ors.

... .. Petitioners

Mr. Samiran Mandal,
Mr. Abhinaba Dan, Advocates
... .. For the Petitioners

Mr. Binay Panda,
Ms. Puspita Saha, Advocates
... ..For the State

Petitioners pray for bail on the ground of parity with that of the other co-accuseds who were enlarged on bail by order dated April 7, 2022 passed in CRM (DB) 902 of 2022.

Learned advocate appearing for the State submits that the petitioner nos. 2, 3, 6 and 8 cannot claim parity since they are named as the assailants in the statement recorded under Section 164 of the Criminal Procedure Code.

Considering the fact that the claim for parity in respect of the petitioner no. 1, Sarat Bauri; petitioner no. 4, Manik Bauri; petitioner no. 5, Mangal Bauri; petitioner no. 7, Ajay Bauri; petitioner no. 9, Badal Bauri and petitioner no. 10, Partha Bauri is not being disputed by the State, we are inclined to grant bail to the them.

So far as the **petitioner no. 2, Sushil Bauri; petitioner no. 3, Raju Bauri; petitioner no. 6, Tapas**

Bauri and petitioner no. 8, Bimal Bauri are concerned, since they are named in the statement recorded under Section 164 of the Criminal Procedure Code and considering gravity of the offence and the involvement of the these petitioners, we are not inclined to grant bail to them.

Accordingly, we direct that the **petitioner no. 1, Sarat Bauri; petitioner no. 4, Manik Bauri; petitioner no. 5, Mangal Bauri; petitioner no. 7, Ajay Bauri; petitioner no. 9, Badal Bauri and petitioner no. 10, Partha Bauri** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Additional Chief Judicial Magistrate, Bishnupur Bankura** subject to condition that the petitioner nos. 1, 4, 5, 7, 9 and 10 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner nos. 1, 4, 5, 7, 9 and 10 fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner nos. 1, 4, 5, 7, 9 and 10 in accordance with law without further reference to this Court.

The prayer for bail is **partly allowed**.

CRM (DB) 1114 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)