

29.07.2022.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2404 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhargram P. S. Case No.82 of 2022 dated 18.03.2022 under Sections 304/34 of the Indian Penal Code.

In the matter of : Raj Dolai @ Laden.

.... Petitioner.

Mr. S. Das Mahapatra.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta,
Mr. Bitasok Banerjee.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Investigating Officer is present. He has submitted explanation why further opinion of post mortem doctor regarding injuries noted on the deceased was necessary. Explanation is kept on record. His presence is noted and dispensed with.

Learned Advocate for the petitioner submits he is in custody for about 120 days. It is further submitted petitioner did not intend to murder the victim. Injuries suffered by the victim was due to a sudden fall.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had assaulted and chased the victim. He suffered various external and internal injuries and died. Prayer for bail of co-accused viz., Kishan @ Gaju @ Raj Kar was turned down by this Court.

We have considered the materials on record including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Witnesses stated that the accuseds were carrying dangerous weapons. However, injuries noted in the post mortem report show they may have been caused either by physical assault or fall. Non-user of weapons, if any, in the hands of the accused persons support the submission of the petitioner that he did not intend to murder the victim. Bail prayer of co-accused was rejected in course of investigation. Presently, investigation is complete and petitioner has undergone detention for about four months.

Under such circumstances, we are inclined to release the petitioner on bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 condition that he 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

