

03.08.2022
39
sdas
allowed

CRM(DB) No. 2605 of 2022

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

And

In Re : Kishan @ Gaju @ Raj Kar petitioner

Mr. Amit Ranjan Pati

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Supplementary affidavit filed by the learned Counsel appearing for the petitioner is placed on record.

Learned Counsel for the petitioner submits he is in custody for 124 days. It is also submitted that investigation is complete and co-accused Raj Dolai @ Laden has been enlarged on bail. It is further submitted that accused persons did not intend to murder the deceased. Injuries were caused due to fall.

Learned Counsel appearing for the State opposes prayer for bail and submits bail prayer of the petitioner was rejected earlier.

We have considered materials on record. Bail prayer of the petitioner was rejected in the course of investigation. Subsequently, upon completion of investigation he has renewed his prayer for bail. Medical reports show injuries may be caused by physical assault or due to fall. None of the accused persons including petitioner used weapons to assault the deceased.

In view of the aforesaid circumstances and as investigation is complete and co-accused, similarly circumstanced with the petitioner, has been enlarged on bail in CRM (DB) No. 2404 of 2022, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jhargram, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)