

19.09.2022.
31.
as
(Partly
Allowed).

C.R.M. (DB) 3161 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baghmundi P. S. Case No.43 of 2022 dated 30.04.2022 under Sections 302/120B/201/34 of the Indian Penal Code.

In the matter of : Choturanan Kumar & Ors.
... Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder.
...for the Petitioners.

Mr. Nequive Ahmed, Id. A.P.P.,
Ms. Ayantika Ray.
.....for the State.

Petitioner is in custody for 130 days. It is contended they have been falsely implicated in the instant case. They pray for bail.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show petitioner Nos.1 and 2 had assaulted the victim resulting in his death. Though witnesses disclose presence of the petitioner No.3 at the place of occurrence, it requires to be assessed during trial whether he shared common intention with others to commit the murder.

Keeping in mind the aforesaid facts, we are of the opinion this is not a fit case to grant bail to the petitioner Nos.1 and 2.

Accordingly, the prayer for bail of the petitioner Nos.1 and 2 is rejected.

However, in view of his extent of complicity in the crime, petitioner No.3 may be enlarged on bail.

Accordingly, the petitioner No.3 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, Purulia 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 No.3 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)