

26.09.2022
tkm/ct 28
sl no. 38

C.R.M. (DB) 3242 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk P.S case no. 571 of 2022 dated 4.7.2022 under section 304 IPC
And

Allowed

In Re :Jagannath Das & Anr. petitioners

Mr. Amitabha Karmakar
Mr. A K Bhowmick

..... for the petitioners

Mr. Swapan Banerjee
Ms. Purnima Ghosh

..... for the State

Petitioners are in custody for 83 days. It is submitted there was a sudden quarrel and petitioners did not have intention to commit murder. Co-accused Mousumi Das has been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record including the statement of eye-witness who implicates petitioner no. 2 as the principal assailant. Hence, we are not inclined to grant bail to him at present.

However, keeping in mind the extent of complicity of the petitioner no. 1 in the alleged crime and as he does not appear to be the principal accused, we are inclined to grant bail to him

Accordingly, the petitioner no. 1 viz Jagannath Das 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 CJM, Purba Medinipur at Tamluk on condition that the petitioner no. 1 shall appear before the trial

court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 automatically without reference to this court.

The application being CRM (DB) 3242 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)