

29.09.2022
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allowed

CRM(DB) No. 3284 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chhatna Police Station Case No. 80 of 2021 dated 11.08.2021 under Sections 323/324/325/326/307/506/34 of the Indian Penal Code.

And

In Re : Srikanta Roy petitioner

Mr. Soumik Ganguly
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Ayantika Roy
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 412 days. It is also submitted that there was a free fight between the parties and petitioner did not share common intention to murder the deceased. He is not the principal accused.

Learned Counsel appearing for the State opposes prayer for bail and submits trial is in progress.

We have considered materials on record. Petitioner is not the principal accused. Whether he shared common intention with the principal accused requires to be assessed in the light of the factual matrix of the case during trial.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and in view of period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly we direct that 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, Bankura, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)