

09.11.2022
tkm/ct 28
sl no. 47

C.R.M. (DB) 3907 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dubrajpur P.S case no. 140 of 2022 dated 29.6.2022 under sections 302/34 of the Indian Penal Code
and

Allowed

In Re : Sisir Bauri @ Sishir Bauri & Ors. petitioners

Mr. S Das Mahapatra

Mr. K Ganguly

..... for the petitioners

Mr. S G Mukherjee, Id PP

Mr. P P Das

Ms. Eshita Dutta

..... for the State

Mr. Tanmoy Chowdhury

Mr. A Chowdhury

..... for the de facto complainant

Petitioners are in custody for 131 days. It is contended they are not the principal accuseds. They had suffered injuries in course of the incident.

Learned lawyer for the State opposes the prayer for bail and submits co-accused Bahadur Bauri had taken loan from the deceased. When the deceased demanded money, he was assaulted and murdered.

Learned lawyer for the de facto complainant opposes the prayer for bail and submits co-accused Bahadur Bauri is absconding.

We have considered the materials on record. There was a loan transaction between the co-accused Bahadur Bauri and the deceased. A dispute arose over such issue and a free fight ensued. Petitioners suffered injuries in course of the fight. They do not appear to be the principal accused. Whether they shared common

intention to murder the deceased requires to be assessed in the light of the aforesaid circumstances in course of trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judicial Magistrate, Dubrajpur on condition that the petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 3907 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)