

09.01.2023
Sl. No.25
CHC
[ALLOWED]

C. R. M. (DB) 22 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 3rd January, 2023 in connection with Nandakumar Police Station Case No.09 of 2022 dated 08.01.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re: *Biswajit Dolai @ Biswajit Dolui*
@ Bishwajit Dolai & anr.

... .. Petitioners

Mr. Amit Ranjan Pati,
Ms. Reshmi Mukherjee,
Mr. Ashok Halder,
Mr. Sunayan Ghosh

... .. for the petitioners

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee

... .. for the State

Petitioners are in custody for 115 days. It is submitted that they are not the principal accused. They pray for bail.

Learned advocate appearing for the State opposes the prayer for bail and submits that bail prayer of Bikash Dolai was rejected, by this Court.

We have considered the materials on record. Initially, a quarrel ensued between the parties. In the course of quarrel, petitioner and others assaulted the victim with fists and blows. Suddenly, one Bikash Dolai and Tuni Dolai brought a wooden stick and assaulted the victim. Whether the petitioners shared common intention with the co-accused who had subsequently armed themselves requires to be seen during the trial. Keeping in mind the extent of complicity of the petitioners, period of

detention suffered by them and as investigation is complete, we are inclined to grant bail to the petitioners.

Therefore, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Tomluk, Purba Medinipur subject to condition that the said petitioners 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)