

10.01.2023
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Partly Allowed

CRM (DB) No. 75 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 328 of 2022 dated 13.06.2022 under Sections 341/326/307/302/34 of the Indian Penal Code.

And

In Re : Tarak Rajwar & Ors. petitioners

Mr. Soumik Ganguly
Mr. Diptendu Banerjee
Ms. Pinky Sarkar

.....for the petitioners

Mr. Neguive Ahmed, learned APP
Ms. Jonaki Saha

....for the State

Learned Counsel for the petitioners submits they are in custody for 210 days. It is also submitted that a dispute cropped up between neighbours. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Witnesses implicate the petitioners no. 1, 3 and 4 in the assault of the victim who subsequently succumbed to death. Keeping in mind the aforesaid fact, we are not inclined to grant bail to the petitioners no. 1, 3 and 4.

The application for bail in so far as petitioners no. 1, 3 and 4 viz. Tarak Rajwar, Tapas Rajwar and Rahul Rajwar is, thus, rejected.

Though presence of the petitioner no. 2 is noted no overt act is attributed to her. Accordingly, we are inclined to grant bail to her.

Accordingly, we direct that the petitioner no. 2 viz. Supriya Rajwar 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 Additional Chief Judicial Magistrate, Katwa, subject to the condition that the petitioner no. 2 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 2 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner no. 2 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 2 is concerned.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)