

21.03.2023  
38  
sdas  
allowed

CRM(DB) No. 999 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Indpur Police Station Case No. 112 of 2021 dated 12.12.2021 under Sections 341/323/325/326/307 of the Indian Penal Code and charge-sheet submitted under Sections 341/326/302 of the Indian Penal Code.

And  
In Re : Raju Bauri                      ..... petitioner

Mr. Rhiddhiman Mukherjee  
Mr. Arka Prabho Roy  
Ms. Dibyangana Das  
.....for the petitioner

Mr. S. S. Imam  
Mr. S. Kundu  
..... for the State

Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted there is delay in lodging F.I.R. It is further submitted the victim had died two months after the incident. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had assaulted the victim who subsequently succumbed to his injuries.

We have considered the materials on record. There is delay in lodging F.I.R. History of injury noted in treatment sheet at page no. 37 of the case diary shows victim suffered "fall from height". Allegation of assault requires to be assessed in the light of the aforesaid entry in the medical papers. Investigation is complete. Petitioner has roots in society and there is no chance of

abscondenc. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Khatra, Bankura, subject to the condition that 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.)**