

28.03.2023
Sl. No.81
akd
[ALLOWED]

C. R. M. (DB) 1187 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.03.2023 in connection with Tapan Police Station Case No.579 of 2022 dated 23.10.2022 under Section 302 of the Indian Penal Code.

And

In Re: **Johan Murmu @ Johon @ Jahen**

... .. Petitioner

Mr. Parthapratim Das
Mr. Arup Sarkar
Mr. Sourav Mukherjee
Ms. Sabnam Laskar

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Subrato Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 152 days. It is further submitted incident occurred in course of a sudden quarrel. Investigation is complete.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. There is no direct evidence to the murder. Credibility of the extra-judicial confession requires to be assessed during trial. Investigation is complete. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Johan Murmu @ Johon @ Jahen**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)