

17.05.2023.
43.
Ct.No.28
as
(Partly
Allowed)

C.R.M. (DB) 1971 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamna P.S. Case No.217 of 2022 dated 08.12.2022 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : Sudhansusekhar Mahanta & Anr.
.... Petitioner.

Mr. Sourav Kr. Mukherjee,
Ms. Sahana Pal.
...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Mayukhi Mitra.
...for the State.

Petitioners are in custody for 130 days. It is submitted there is no direct evidence connecting the petitioners with the murder. Investigation is complete. They pray for bail.

Learned Advocate for the State opposes the bail prayer. She submits petitioner no.2 was last seen on the victim. On the leading statement of petitioner No.1 motor cycle of the victim and from the statement of petitioner no.2, the registration papers of the said vehicle were recovered.

We have considered the materials on record. Case is based on circumstantial evidence. Statement of witness disclose petitioner no.2 was last seen with the victim. On his leading statement registration certificate of the motor cycle of the victim was recovered from his own bed room. There is no evidence that petitioner no.1 was seen with the victim prior to

the incident. Recovery purportedly on his leading statement petitioner no.1 is from an open place which is accessible to all.

Keeping in mind the aforesaid circumstances, we are of the opinion petitioner no.1 may be released on bail.

Accordingly, the petitioner viz., Sudhansusekhar Mahanta 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 Chief Judicial Magistrate, Purulia subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the District of Purulia and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge, Tamna Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

However, prayer for bail of the petitioner No.2 is rejected at present.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

