

06.10.2023  
28  
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allowed

CRM(DB) No. 3854 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhargram Police Station Case No. 159 of 2023 dated 24.06.2023 under Sections 302/34 of the Indian Penal Code.

In Re : Atul Mahata  
And  
..... petitioner

Mr. Soumyajit Das Mahapatra  
Ms. Madhurai Sinha  
....for the petitioner

Ms. Anasuya Sinha  
Mr. Pinak Kumar Mitra  
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 106 days. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim was suspected to be a thief and was lynched by a mob.

3. We have considered the materials on record. Case involves public lynching of a thief. None of the witnesses saw the petitioner and claimed to have heard the petitioner was a part of the mob. Investigation is complete. In view of quality of evidence on record and as there is no chance of abscondence of the petitioner, we are inclined to grant bail to him.

4. 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 Chief Judicial Magistrate, Jhargram, subject to 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.

5. 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 automatically without further reference to this Court.

6. The application for bail is, accordingly, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**