

19.10.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4122 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhargram P.S. Case No.136 of 2018 dated 28.08.2018 under Sections 364/302/201/120B of the Indian Penal Code.

In the matter of : **Tapas Mallick @ Tapas Mallik.**

.... Petitioner.

Mr. Arindam Jana,
Md. Sabir Biswas,
Mr. Arhan Sengupta.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Sayanti Santra.

...for the State.

1. Petitioner is in custody for more than five years. He submits there is inordinate delay in trial. Co-accused viz., Bongshi Singh, Raghunath Pain @ Jharu, Bhim Saren @ Kundu, Nitai Hatui, Kamal Singh and Malin Soren are on bail. He renews his bail prayer.

2. Learned Advocate for the State opposes the prayer for bail. He submits seven witnesses have been examined. Witnesses state that petitioner and co-accused were seen with the victim before the incident. Incriminating articles have been recovered from them. Petitioner has criminal antecedents.

3. We have considered the materials on record. Case is based on circumstantial evidence. Witnesses stated petitioner was last seen with the victim. The said witnesses have also spoken about the other co-accused viz., Bongshi Singh, Raghunath Pain @ Jharu, Bhim Saren @ Kundu, Nitai Hatui,

Kamal Singh and Malin Soren who are on bail. No distinction regarding the role of the petitioner in the crime qua the co-accused who are on bail can be made. Petitioner has suffered incarceration for a protracted period of time and there is no possibility of trial concluding in the near future.

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

5. Accordingly, the petitioner viz., **Tapas Mallick @ Tapas Mallik** 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 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)