

24.11.2023
tkm/ct 28
sl no. 40

C.R.M. (DB) 4430 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Uttarpada P.S case no. 372 of 2022 dated 12.10.2022 under sections 341/323/325/308/34 of the IPC
and

Allowed

In Re : Jit Ghosh petitioner

Mr. Ghosh
Ms. N Chatterjee

..... for the petitioner

Mr. Debasish Roy
Ms. Trina Mitra

..... for the State

1. Petitioner is in custody for 348 days. He submits co-accused Sanjoy Mondal @ Paku has been enlarged on bail. He stands on the same footing. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He contends petitioner was implicated by eye-witnesses in their statements under section 164 Cr. P.C.
3. We have considered the materials on record. Though statements of eye witnesses implicate the petitioner in the crime, oral dying declaration of the victim videographed during the incident does not implicate him. Under similar circumstance Sanjoy Mondal @ Paku has been enlarged on bail.
4. Hence, we are inclined to extend the same privilege to the petitioner also.
5. Accordingly, the petitioner 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 ACJM Seerampore, Hooghly on condition that the petitioner shall

appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 4430 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)