

D/L. 47
February 9, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 95 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2023 in connection with Kumargram Police Station Case No. 65 of 2022 dated 10.02.2022 under Section 302 of the Indian Penal Code, 1860.

And

In the matter of: Nirmal Oraon @ Uraon

.... Petitioner

Mr. Sourav Ganguly,
Mr. Alok Sah

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Kallol Nag

... for the State

Learned counsel for the petitioner submits that the circumstances attending the present case are unfortunate and reflect on the social condition of the person concerned, since allegations were levelled on the ground of stealing of cooked pork, for which there was a scuffle between the petitioner and the victim, who was the elder brother of the petitioner, which resulted in the death of the victim. It is argued that the ensuing quarrel resulted in the use of a bamboo stick and the alleged incident happened. It is submitted further that the petitioner is already in custody for one year and ought to be released on bail.

Learned counsel for the State opposes the prayer for bail and submits that there are several statements implicating the petitioner in the offence.

That apart, it is submitted that due to adjournment sought by the defence, the trial was adjourned on several occasions, for which the prosecution was not responsible in any manner.

However, keeping in view the circumstances of the case and the fact that the petitioner might have acted on the heat of the moment, we are not inclined to detain the petitioner further in the custody.

Accordingly, CRM (DB) 95 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.5,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Fast Track Court-II at Alipurduar.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)