

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

27.02.2023.
105/tkm

C.R.M. (DB) 100 of 2023

In Re : An application for bail under section 439 of the Code of
Criminal Procedure in connection with Ghoksadanga P.S case no.
434 of 2021 dated 19.11.2021 under sections 302/34 IPC
and

Allowed

In Re : Mukesh Majhi petitioner

Mr. S Misra
Mr. S Das

..... for the petitioner

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

..... for the State

Petitioner is in custody for 290 days. He submits there is
no direct evidence of murder. He renews his prayer for bail.

Learned lawyer for the State submits victim made an oral
dying declaration to the mother and another witnesses. His bail
prayer was rejected earlier on merits.

We have considered the materials on record. There is no
eye-witness to the incident. Though the mother and another
witness claimed victim made an oral dying declaration, there is
no medical evidence to show that the victim was in a position
to speak. Charge has not been framed as yet.

Under such circumstances and in view of the period of
detention suffered by the petitioner, we are inclined to grant
bail to the petitioner.

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 ACJM, Mathabanga, Cooch Behar 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.

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.

The application being CRM (DB) 100 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)