

09.06.2023
Court No.01
Item No. 2
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (DB) 292 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No. 237 of 2017 dated 12.07.2017 under sections 302/498A of the Indian Penal Code.

And

In Re: **Birsha Oraon**

Petitioner

Mr. Kallal Ghosh, Chief LADCS
Mr. Mishan Sah
Mr. Utpal Dutta
Mr. RAkesh Gupta

For the Petitioner

Mr. Nilay Chakraborty
Mr. Kallol Nag

For the State

We have heard the learned counsel for the parties.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case.

The learned counsel for the State opposes the prayer for bail. It is submitted that the son of the petitioner is a sole eyewitness and he has stated that the petitioner assaulted the deceased.

Considering the materials available with the record and the nature of involvement and the complicity of the petitioner in the commission of the alleged offence and also having regard to the fact that only 6 witnesses out of 12 witnesses have been examined so far and the possibility of trial being concluded

in the near future appears to be bleak, we are of the view that further detention of the petitioner is not required and he may be released on bail.

Considering the economic condition of the petitioner, the petitioner shall be released on Personal Recognizance (P.R.) Bond, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri with a condition that the petitioner shall attend each and every date of trial and the petitioner shall not leave the jurisdiction of the jurisdictional court without prior permission of the court and he shall not intimidate the witness or tamper with evidence in any manner whatsoever.

In the event of non-compliance of any of the conditions, the bail shall stand automatically cancelled without any further reference to this Court.

The application for bail is allowed. CRM (DB) 292 of 2023 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)