

39. 05.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (DB) 372 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Matelli Police Station Case No. 46 of 2023** dated **11.03.2023** under Sections **448/323/325/326/120B/307** of the Indian Penal Code, 1860.

And

In the matter of: - **Ajay Oraon @ Ajoy Oraon**

...petitioner.

Mr. Arijit Ghosh, Adv.,
Mrs. Swarnali Ghosh, Adv.

...for the petitioner.

Mr. Ujjwal Luksom, Adv.,
Ms. Namrata Das, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

It is contended that the alleged incident took place on account of family dispute wherein the present accused/petitioner has been unnecessarily implicated.

While opposing the prayer for bail, learned Advocate for the State draws attention of this Court to the written complaint as well as to the injury report of the victim. It is further submitted that the present accused/petitioner is the main assailant who caused stab injury on the person of the victim.

On a perusal of the entire material in the case diary it appears to us that there may be some justification in the submission of learned Advocate for the State. However, considering the fact that investigation is stated to have been completed, we consider that further custodial detention of the present accused/petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Ajay Oraon @ Ajoy Oraon**, shall be released on bail upon furnishing a bond of Rs. 25,000/- with two registered sureties of Rs.10,000/- each, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, on condition that the present accused/petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and further with the following conditions that-

- 1) The present accused/petitioner shall appear before the learned trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973,
- 2) The present accused/petitioner shall not enter into the territorial jurisdiction of Matelli Police Station, District- Jalpaiguri, till conclusion of trial unless such conditions have been relaxed by the learned trial Court.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 372 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)