

27.03.2024.
37.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 927 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taldangra P.S. Case No.85 of 2021 dated 31.10.2021 under Sections 341/325/302/506/120B of the Indian Penal Code and charge sheet submitted under Sections 341/325/302/506/120B of the Indian Penal Code.

In the matter of : **Tapas Majhi.**

Mr. Arkaprabho Roy.

.... Petitioner.

...for the Petitioner.

Mr. Antarikhya Basu,
Mr. Kanchan Roy.

...for the State.

1. Petitioner submits he is in custody for more than two years. He submits co-accused similarly circumstanced with the petitioner are on bail. All the vulnerable witnesses have been examined. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is named in the oral dying declaration of the victim.

3. We have considered the materials on record. Nine witnesses have been examined. Some of the witnesses deposed victim made oral dying declaration implicating the petitioner and others. Credibility of the dying declaration requires to be assessed in the light of the attending circumstances during trial. Co-accused who have been named in the dying declaration are on bail. Vulnerable witnesses have already been examined. Petitioner is in custody for a protracted period of

time. There is no possibility of trial concluding in the near future.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Tapas Majhi** shall 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 Additional Chief Judicial Magistrate, Khatra, Bankura subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)