

CRM (DB) 1944 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kharagpur (Local) Police Station** Case No. **309 of 2023** dated **14.03.2023** under Sections **307** of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Babulal Dhir @ Mukesh Dhir & Anr.

.... Petitioners.

Mr. Sourav Chatterjee,
Mr. S. Das Mahapatra,

... For the petitioners.

Ms. Rituparna De Ghosh,
Mr. K. Banerjee,

... For the State.

The charge is of dacoity. The petitioners say that they are in custody for almost 11 months. There is no sufficient incriminating evidence against them so as to justify their continued detention. Investigation is complete. Charge sheet has been filed. They pray for bail.

Learned Advocate for the State vehemently opposes the prayer for bail. He draws our attention to the materials in the case diary. *Prima facie*, we do not find any direct evidence implicating the petitioner no. 1. There has been no recovery from him. He was not put up in T.I. parade.

On an overall consideration of the facts and circumstances of the case and the possible extent of complicity of the petitioner no. 1 in the alleged offence, we are inclined to allow his prayer for bail.

In so far as the petitioner no. 2 is concerned, we find that there was recovery of a Samsung Tablet and bullets from him. Therefore, we reject his prayer for bail at this stage.

Accordingly, we direct that the petitioner no. 1, namely, **Babulal Dhir @ Mukesh Dhir**, 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 Chief Judicial Magistrate, Paschim Medinipur and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to adhere to any of the conditions stipulated above without 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 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)