

October 22, 2024

54 ARDR/SD

Allowed

CRM(DB) 3599 of 2024

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Kharagpur (Town)** Police Station Case No. 388/2024 dated 11/09/2024 under Sections 190/191(2)/191(3)/221/121(1)/132/115(2)/117(2)/109(1)/315/103(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : Mukesh Chinna & anr.

... Petitioners.

Mr. Noni Gopal Chakraborty,
Mr. Bappaditya Mukherjee,

... For the Petitioners.

Mr. Antarikhya Basu,
Ms. Suruchi Saha,

... For the State.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Kharagpur (Town)** Police Station Case No. 388/2024 dated 11/09/2024 under Sections 190/191(2)/191(3)/221/121(1)/132/115(2)/117(2)/109(1)/315/103(1) of the Bharatiya Nyaya Sanhita, 2023.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners are two of the FIR named accused in this case. They are in custody for about 42 days. Out of eighteen witnesses, thirteen including some named in the FIR have been granted bail by the Sessions Court.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for bail. He submits that this is a case of mob lynching of a truck driver that followed running over of a scooty driver by the said truck. Investigation is going on.

Considering the nature of allegations, the custody already suffered by the petitioners and the fact that some of the other similarly circumstanced accused have been granted bail, we are inclined to allow the application for bail.

Let the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Kharagpur subject to the conditions that during trial the petitioners shall appear before the learned trial Court regularly and shall meet the Officer in Charge, Kharagpur Town Police Station once a week until further orders and the petitioners shall not intimidate witnesses or temper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it shall be open to the trial Court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

Criminal section is directed to provide certified copy of this order, if applied for, to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)