

CRM (DB) 393 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Jhargram Police Station Case No.236 of 2024 dated 12-08-2024 under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita.

- A n d -

In the matter of : Mugru Biruly @ Magru Biruly @ Mugru Biroli
.... Petitioner.

Mr. Md. Abdur Rakib,
Mr. Shraman Sarkar,
Mr. Majahid Mehedi

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Ms. Jonaki Saha

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for more than six months and the petitioner is not the principal accused. The statements of witnesses recorded under Section 164 of the Code of Criminal Procedure would show that the fatal blow was given by the principal accused Damur Singh Tubid. He was merely present at the spot. As the investigation is complete, there is no need for further custodial detention of the petitioner.

2. Learned advocate for the State opposes the prayer for bail vehemently. According to learned State advocate, there was a quarrel between the petitioner and the victim over certain land. He was very much present at the place of

occurrence and there are sufficient incriminating materials against the present petitioner. He prays for rejection of the prayer for bail.

3. We have considered the materials on record including the statement of eyewitness recorded under Section 164 of the Code of Criminal Procedure. From such statement, it appears that though the victim was assaulted by Damur Singh Tubid, the principal accused, he did not assault the victim. He was present at the spot but no overt act had been committed by him. As the investigation is complete and the petitioner is not the principal accused who gave the fatal blow, we are inclined to allow the prayer of the petitioner for bail, but on certain conditions.

4. Accordingly, we direct that the petitioner, namely, **Mugru Biruly @ Magru Biruly @ Mugru Birolu**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Jhargram. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of Jhargram Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of Jhargram Police Station once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court and Jhargram Police Station his current local address at Jhargram where he shall be residing while on bail.

5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at

liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

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

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)