

13.08.2025

44

jb.

jdt.

Allowed

C.R.M. (M) 991 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Rampurhat Police Station Case No. 171 of 2023 dated 30.05.2023 under Sections 302/201/34 of the Indian Penal Code and added Sections 394/411 of the Indian Penal Code.

And

In Re : Taposh Bayen @ Tapas Bayen

Mr. Sujoy Sarkar
Ms. Debolina Goswami
Ms. Sneha Srivastava

... For the Petitioner.

Mr. Rana Mukherjee
Mr. S. S. Saha

... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for more than 2 years. He is a handicapped person and cannot travel without the assistance of an escort. He is not involved in the alleged offence.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

The petitioner appears to be a handicapped person who is unable to travel without the assistance of an escort. The petitioner has not been named by the witnesses in course of investigation. Only the wife of the deceased has stated that the deceased told her that he was with the petitioner and others. Though a blood stained weapon has been recovered at the instance of the petitioner and a co-

accused, there is nothing on record to show that the weapon is connected to the alleged offence in any manner. Such connection shall be assessed at the appropriate stage of trial.

Considering the fact that the petitioner is a disabled person and also in view of his extent of complicity in the alleged crime, this Court is inclined to hold that further detention of the petitioner is not required. He may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Taposh Bayen @ Tapas Bayen shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)