

20. 14.01.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4018 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Mangalkot** Police Station Case No. **191/2024** dated **06.08.2024** under Sections **103(1)/3(5)** of the B.N.S., 2023.

And

In the matter of: - **Gora Chand Majhi & Anr.**

...petitioners.

Mr. Kallol Kumar Basu,
Mr. Mrinal Das,
Mr. Raja Adhikary,
Mr. Md. Jannat Ul Firdous

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP.,
Ms. Eshita Dutta.

...for the State.

Dictated by Apurba Sinha Ray, J.

1. The petitioners claim that they are not the actual assailants. They did not commit any offence. However, their son has allegedly committed the murder on the spur of a moment. However, they are in custody for about five months. Investigation is complete and there is no chance of an early conclusion of the trial. The petitioners may be enlarged on bail on any condition.
2. Learned State counsel vehemently opposes the prayer for bail. According to him, the present petitioners are the instigators and due to such instigation, the principal accused *Mahadev Majhi*

had assaulted the deceased on his head by a wooden stick. There are sufficient incriminating materials against the present petitioners. If they are enlarged on bail, the prosecution may suffer.

3. We have considered the materials on record. The present petitioners are not the actual assailants. As the investigation is complete and there is no chance of an early conclusion of the trial, the petitioners being the parents of the principal accused may be enlarged on certain conditions.
4. Accordingly, we **allow** the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely, **Gora Chand Majhi & Uma Majhi** 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*, Katwa, Purba Bardhaman. The petitioners shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall not leave the territorial jurisdiction of *Katwa* Police Station except for the purpose of attending court proceedings, until further orders. The petitioner no.1 shall report/meet to the Officer-in-Charge/Inspector-in-Charge of *Katwa* Police Station once in every week, until further orders.

6. In the event the petitioners fail 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.
7. The application for bail being CRM (DB) 4018 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. 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.)