

14. 09.01.2025
Court
No.28 (Tanmoy)

Allowed

CRM (DB) 4415 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Taldangra** Police Station Case No. **85/2021** dated **31.10.2021** under Sections **341/325/302/506/120B** of the Indian Penal Code.

And

In the matter of: - **Damodar Layek**

...petitioner.

Mr. Arkaprabho Roy
Mr. Rhiddhiman Mukherjee
Mr. Sounayo Pattanayak

...for the petitioner.

Ms. Sujata Das
Mr. Abhinaba Mukherjee

...for the State.

1. Learned Lawyer for the petitioner contends petitioner is in custody for more than three years. He submits co-accused have been granted bail. Vulnerable witnesses have been examined. He prays for bail.
2. Learned Lawyer for the State submits as per oral dying declaration of the victim, petitioner assaulted the victim on the head whereas others assaulted the victim on non-vital parts of the body.
3. We have considered the materials on record. Bail was granted to co-accused, *inter alia*, on the ground that the credibility of the dying declaration has to be assessed in light of other attending circumstances during trial. All vulnerable witnesses have been examined.
4. Under such circumstances, we are of the opinion petitioner may be released on bail.

5. Accordingly, we direct the petitioner, namely, **Damodar Layek** 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 the learned Additional Chief Judicial Magistrate, Khatra, Bankura, subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)