

CRM (DB) 4215 of 2023

In Re:- An application for bail under Section 439 of The Code of Criminal Procedure filed on 25.10.2023 in connection with Dumdum P.S. Case No.468 of 2022 dated 22.06.2022 under Sections 302/201/34 of the Indian Penal Code, 1860.

In the matter of : Papai Das & Anr. ... Petitioners

Ms. Rajnandini Bhattacharjee
Mr. Kalyan Kumar Bhattacharjee
...For the Petitioners

Mr. P.K. Dutta
Mr. P.K. Ganguly
... For the State

1. The petitioners before us are two of the seven accused persons, five of whom were granted bail by a coordinate Bench.

2. The series of orders placed before the Court show that while three of the co-accused were granted bail also by reason of the fact that they were not identified in the Test Identification Parade, the other two were granted bail despite being identified in the Test Identification Parade. The order dated 27th June, 2023 in CRM (DB) 2473 of 2023 records that the injuries are superficial in nature. The Court also found that there was no connecting evidence between the fetal injury and the alleged assault mounted on the victim.

3. The second point is that although First Information Report mentions that the injury was caused by iron rod, the

list of seizures from the petitioners before us mention only a plastic rod. No iron rod was recovered from the petitioners. The petitioners were also not identified in the Test Identification Parade.

4. The above considerations persuade us to allow the present application for bail.

5. We accordingly direct that the petitioners shall 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 who must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas. The petitioners shall not induce witnesses or influence them or tamper with evidence. The petitioners shall report to the I.O. of the concerned Police Station once every fortnight and shall not leave the local limits of the local police station without leave of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas. The petitioners shall also make themselves available for the trial as and when the petitioners are required.

6. CRM (DB) 4215 of 2023 is accordingly allowed and disposed of in terms of the above.

7. All parties are to act in terms of a server copy of this order duly downloaded from the official website of this Court.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.) (Moushumi Bhattacharya, J.)