

C.R.M. 32 of 2019

Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973.

In re : Tapan Sen.....petitioner

Mr. Jitendra Narayan Basu.....for the petitioner

Mr. Nilay Chakraborty

Mr. Saikat Chatterjee. ... for the State

The petitioner is seeking bail in connection with Kotwali Police Station F.I.R. No. 860 of 2018 dated 17.12.2018 under sections 363/365/376/506 of the Indian Penal Code.

We have heard learned advocates for the parties and perused the materials in the case diary. The petitioner is in custody for about 105 days and the police report (charge-sheet) under section 173(2) of the Code of Criminal Procedure, 1973 has been filed before the relevant magistrate upon completion of investigation.

Having regard to such circumstances, we are of the considered opinion that pre-trial detention of the petitioner is not necessary and that this is a fit and proper case for grant of direction, as prayed for.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri on condition

that he shall appear before the trial court on every date of hearing and shall not intimidate any witness or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court, such court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail, is accordingly, allowed.

(SHIVAKANT PRASAD, J.)

(DIPANKAR DATTA, J.)