

19.08.19
SI. No.2
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 592 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.07.2019 in connection with Alipurduar Police Station Case No. 176 of 2019 dated 08.05.2019 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.1589 of 2019)

And

In Re: ***Gautam Sarkar***

... .. Petitioner

Mr. Sourav Ganguly .. Advocate

... .. for the petitioner

Mr. Ujjwal Luksom .. Advocate

Ms. Namrata Das .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 302/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is in custody for about 94 days and that he has been falsely implicated in the instant case. It is further submitted that he is not the principal accused and that investigation is complete.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner is the driver of the vehicle which was used to abduct the victim who was subsequently murdered.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and in view of the period of detention suffered by him and as investigation is

complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Gautam Sarkar**, 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, Alipurduar subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)