

26.08.19

Sl. No.8

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 675 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2019 in connection with Nagrakata Police Station Case No. 53 of 2016 dated 16.05.2016 under Sections 498A/302/306 of the Indian Penal Code. (Sessions Case No.323 of 2016)

And

In Re: **Rupesh Oraon**

... .. Petitioner

Mr. Jaydeep Kanta Bhowmik .. Advocate

... .. for the petitioner

Mr. Nilay Chakraborty .. Sr. Govt. Advocate

Mr. Sanjib Das .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 498A/302/306 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is in custody for over three years and that trial has not commenced as yet.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner had tortured the victim and as a result she was compelled to commit suicide within one year of marriage.

We have considered the materials on record. Although allegations are serious, keeping in mind the protracted period of undertrial detention suffered by the petitioner and as trial has not commenced as yet, we are of the opinion that further detention of the

accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Rupesh Oraon**, 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 Chief Judicial Magistrate, Jalpaiguri 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 and on further condition that he shall not leave the jurisdiction of Nagrakata Police Station until further orders except for the purpose of investigation and/or for attending court proceedings.

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.)