

30.08.19
Sl. No.3
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 802 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.08.2019 in connection with Alipurduar Police Station Case No. 176 of 2019 dated 08.05.2019 under Sections 302/201 of the Indian Penal Code.

And

In Re: **Chandan Ray**

... .. Petitioner

Mr. Arijit Ghosh .. Advocate

... .. for the petitioner

Mr. Saikat Chatterjee .. Advocate

Mr. Biswarup Roy .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 302/201 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is in custody for about 112 days and that he has been falsely implicated in the instant case. It is further submitted that co-accused namely, Gautam Sarkar has been enlarged on bail.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner is one of the conspirators who had called the victim to the place of occurrence. He further submits that the prayer for bail of the petitioner was rejected earlier.

We have considered the materials on record. We note that the complicity of the petitioner has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. That

apart, we find that co-accused namely, Gautam Sarkar has been enlarged on bail. Furthermore, there is no progress in the matter since the last rejection of bail by this court. Under such circumstances, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Chandan Ray**, 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.)