

SL. 7.
March 26, 2021.
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
(Via Video Conference)**

CRM 380 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 18.03.2021 in connection with Siliguri Police Station Case No. 11 of 2020 dated 08.01.2020 under Sections 363/364A/34 of the Indian Penal Code, 1860.

And

In Re : Pradip Tiwari
... petitioner.

Mr. Habibur Rahaman,
Mr. Indrajeet Dey
... for the petitioner.

Mr. Nilay Chakraborty,
Mr. Abhijit Sarkar
... for the State.

Learned counsel appearing for the petitioner submits that the petitioner is in custody for 379 days.

Learned counsel appearing for the State opposes the prayer for bail.

Keeping in mind the fact that the petitioner is in custody for 379 days and that the petitioner was arrested on the premise of statements of other co-accused persons, which may be of doubtful evidentiary value in trial, we are of the opinion that the benefit of bail ought to be granted to the petitioner.

Accordingly, CRM 380 of 2021 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a

bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned District and Sessions Judge at Siliguri, Darjeeling and that the petitioner shall not issue any inducement, threat or promise, directly or indirectly, to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any Police Officer or the court and/or tamper with the evidence. The petitioner shall also deposit the petitioner's passport, if any, in the trial court till conclusion of the trial. The petitioner shall attend every day of trial and shall not leave the jurisdiction of the trial court during the course of trial.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda J.)