

01.12.2021

Item No.9

Ct.No.1

K.B/b.r.

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

C.R.M. 1015 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Sessions Case No. 78 of 2013 arising out of Bhaktinagar P.S. Case No. 1420 of 2012 dated 17.10.2012 under Sections 364/ 392 / 302/ 201/ 120B/120B/414/34 of the Indian Penal Code (corresponding to G.R. Case No.5078 of 2019).

And

In the matter of : **Gopal Sarkar**

... Petitioner.

Mr. Sekhar Kumar Basu
Mr. Souvik Mitter
Mr. Avrojoyti Das
Ms. Arushi Shaktawat Rathore

... For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Biswarup Roy

... For the State.

Learned advocate for the petitioner submits that the petitioner was arrested on 21st October, 2012 and till date the trial of the case has not been completed.

Learned advocate for the State submits that three other accused persons are already on bail and out of forty-four witnesses thirty-seven witnesses have already been examined.

However, no clear picture could be presented before us as to when the trial can be concluded, we are anxious that the petitioner is in custody for more than nine years.

In view of the aforesaid, we direct that the petitioner should be released on bail.

Accordingly, we direct that the petitioner, namely, **Gopal Sarkar** shall be released on bail upon furnishing a 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 and on further condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

While on bail, the petitioner shall not leave the jurisdiction of Jalpaiguri and shall meet with the Inspector-in-Charge, Kotwali Police Station once a week until further orders and would inform the Inspector-in-Charge regarding his present address.

The application for bail, being **CRM 1015 of 2021**, is, thus, **allowed**.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)