

03.12.2021

Item No.17

Ct.No.1

K.B/b.r.

Allowed

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

C.R.M. 1113 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure arising out of Mathabhanga P.S. Case No. 479 of 2020 dated 12.11.2020 under Sections 365/366-A/376/506 of Indian Penal Code, 1860, corresponding GR Case No. 822 of 2020.

And

In the matter of : **Gopal Namadas**

... Petitioner.

Mr. Hillol Saha Poddar

... for the petitioner

Mr. Ujjwal Luksom

Mr. Tapan Bhattacharjee

... For the State.

Learned advocate for the petitioner submits that the petitioner is in custody since 13th September, 2020 and the present case was initiated on the basis of an application under Section 156(3) of the Code of Criminal Procedure.

Learned advocate for the State produces the case diary and emphasizes on the statement of the victim under Section 164 of the Code of Criminal Procedure.

We have perused the materials on record and having regard to the manner in which the investigation was initiated and the period suffered by the present petitioner, and that there is no

chance of the trial being concluded in the near future, we are of the view that further detention of the petitioner is not required.

Accordingly, we direct that the petitioner, namely, **Gopal Namadas** 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 A.C.J.M., Mathabhanga and on further condition that the petitioner shall appear before the learned 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 stay outside the jurisdiction of Mathabhanga P.S. and provide his present address to the Inspector-in-Charge, Mathabhanga P.S.

The petitioner shall enter the jurisdiction only for the purpose of attending the Court and meet with the Inspector-in-Charge, Mathabhanga P.S once a week until further orders.

The application for bail, being CRM 1113 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.)