

07.01.2022
tkm/ct 29
sl no. 37

**C.R.M. (DB) 12 of 2022
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gazole P.S case no. 464 of 2019 dated 11.10.2019 under sections 376/509 IPC

And

Allowed

In Re : Nabin Kisku @ Chatam

..... petitioner

Mr. K Biswas

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

Petitioner is in custody for more than 141 days and it is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner had absconded for two years.

Having considered the materials on record and bearing in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however subject to condition.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local to the satisfaction of the learned CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Gazole P.S except for attending the court

proceeding and shall provide the address where he shall presently reside to the Investigating Officer as well as to the court below and on further condition that the petitioner shall report to the Officer-in-Charge of the concerned P.S within whose jurisdiction he shall reside once a week until further orders.

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 being CRM (DB) 12 of 2022 is disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)