

05.09.2022.
25.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2987 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Raiganj P. S. Case No.844 of 2021 dated 28.09.2021 under Sections 326/307/302/109/120B/34 of the Indian Penal Code and Sections 25(i)(o)/27 of the Arms Act and charge sheet submitted under Sections 326/307/302/109/120B/212/201/34 of the Indian Penal Code and Sections 25(i)(o)/27/35 of the Arms Act.

In the matter of : Gopal Krishna Biswas.

.... Petitioner.

Mr. Asis Bhattacharyya.

...for the Petitioner.

Mr. Neguive Ahamed, Id. A.P.P.,
Ms. Ayantika Ray.

...for the State.

Petitioner is in custody for one year and three months. He is not the principal accused. Co-accuseds have been enlarged on bail by the Hon'ble Apex Court in Special Leave to Appeal (Crl) Nos.4651 of 2022 and 4723 of 2022.

Learned Advocate for the State opposes the prayer for bail. He submits co-accuseds were women and do not stand on the same footing with the petitioner.

We have considered the materials on record. Petitioner is not the principal accused. Nature of accusation against him is on par with co-accuseds who are on bail, though they may be women. Petitioner has already suffered detention for a protracted period of time. Principal accused is in jail. There is little possibility of the trial concluding in the near future.

Under such circumstances, we are inclined to enlarge the petitioner on bail subject to strict conditions.

Accordingly, the petitioner shall be released on bail upon furnishing 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 Chief Judicial Magistrate, Uttar Dinajpur at Raiganj subject to condition that the 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of Raiganj Police Station except for the purposes of investigation and/or attending court proceedings and shall report to the Officer-in-charge of the Raiganj Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)