

10.11.2022
33
sdas
allowed

CRM(DB) No. 3918 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 458 of 2017 dated 04.07.2017 under Sections 341/302/120B/34 of the Indian Penal Code and Sections 25(1A)/27 of the Arms Act.

And

In Re : Risab Barui alias Guddu Barui petitioner

Mr. P.P. Dasgupta
Mr. Subhasish Mitra
Mr. Amit Dey

.....for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for three year and four months. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had absconded and bail prayer of the co-accused viz. Bumba Kar has been rejected earlier by this Court.

We have considered the materials on record. We have also gone through the depositions of the prosecution witnesses recorded till date. Principal witnesses have not implicated the petitioner in the murder. Principal accused is Bumba Kar and petitioner does not stand on the same footing with the said accused.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we

are of the opinion that he may be released on bail, however, subject to strict conditions.

Accordingly, we direct that 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, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Raiganj Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer in Charge of the Raiganj Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)