

12.12.2022

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Allowed

C.R.M. (DB) No. 3980 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 371 of 2010 dated 19.10.2010 under Sections 341/302/34 of the Indian Penal Code.

And

In Re : Gurucharan Ghosh alias Gujja Ghosh petitioner

Mr. Asimes Goswai
Ms. Priyanka Dutta

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

....for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits he is in custody for one year and three months. It is also submitted that there is no progress in the matter since rejection of bail by this Court.

Learned Counsel appearing for the State submits report.

We have gone through the materials on record including the report. From the report it appears prosecution witnesses failed to appear on a number of occasions. Only on one occasion adjournment was sought for on behalf of the defence. Incident occurred in the course of a dispute over cultivation. Petitioner does not have criminal antecedents.

Under such circumstances particularly the slow progress in the matter before the trial court, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly we direct that the petitioner 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 Additional Chief Judicial Magistrate, Chanchal, Malda, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall remain outside the jurisdiction of Ratua Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge of Ratua Police Station within whose jurisdiction he shall presently reside once in 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)