

05.12.2022
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allowed

CRM(DB) No. 4281 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(1)(A)/27 of the Arms Act.

And

In Re : Bijoy Sen petitioner

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Jonaki Saha
..... for the State

Mr. Kaushik Chaudhury
Ms. Busra Khatun
. for the de facto complainant

Learned Counsel appearing for the petitioner submits he is in custody for four years and four months. He is not the principal accused. Co-accused, Risab Barui alias Guddu Barui has been enlarged on bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. In view of the aforesaid circumstances, we are inclined to extend the same privilege to the petitioner on parity.

Accordingly, we direct that the petitioner viz. Bijoy Sen 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.)