

06.12.2022  
Sl. No.29  
akd  
[ALLOWED]

**C. R. M. (DB) 4286 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2022 in connection with Kushmandi Police Station Case No. 26 of 2020 dated 07.03.2020 under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No.177 of 2020)

And

In Re: ***Buyali Kalandar Ali***

... .. Petitioner

Mr. Kaushik Chaudhury  
Ms. Busra Khatoon

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor  
Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 610 days.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Case is based on circumstantial evidence. There is no progress in the matter since the rejection of bail by this court. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Buyali Kalandar Ali***, 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, Gangarampur at Beniadpur, Dakshin Dinajpur subject to condition that the said 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 not leave the jurisdiction of Kushmandi Police Station until further orders except for the purpose of attending court proceedings.

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 for bail, thus, stands **allowed**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**