

05.07.2022.

Item No. 12

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 214 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 01.07.2022 in connection with Pundibari Police Station Case No. 139 of 2021 dated 23.03.2021 under Section 326 of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

And

In the matter of: **Paresh Roy.** ...petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das.

...For the petitioner

Mr. Kallol Acharjee,
Mr. Sourav Ganguly.

....For the State

The application for bail under Section 439 of the Code of Criminal Procedure is moved by the learned Counsel praying for bail of Paresh Roy on the ground of long detention since 13th June, 2021.

It is submitted that previously the prayer for bail of the petitioner was rejected by the learned Chief Judicial Magistrate, Cooch Behar on 29th April, 2022.

The learned Advocate for the State opposes the prayer for bail. It is submitted by him that the victim was found with injuries on his legs caused with sharp cutting weapon.

Perused the case diary in connection with Pundibari Police Station Case No. 139 of 2021 dated 23.03.2021

under Section 326 of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

We have considered the contents of the case diary and submissions made by the learned Counsel for both the parties.

In view of the gravity of the offence and long detention suffered by the petitioner and also the fact that the charge-sheet of the instant case has already been submitted, the prayer for bail of the petitioner is allowed.

Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Cooch Behar.

It is further directed that if release, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing unless he is prevented by any reason beyond his control.

We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take him into custody without any further reference to this Court.

C.R.M. (DB) No. 214 of 2022 is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)

