

18.11.2022

Sl. No.4

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 432 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.11.2022 in connection with Mirik Police Station Case No.28 of 2022 dated 04.07.2022 under Sections 341/302/201/379/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 341/302/201/380/34/120B/307 of the Indian Penal Code.

And

In Re: **Govind Lakhotia**

... .. Petitioner

Mr. Suman De
Mr. Ranjit Singh
Mr. Thaneshwar Kumai

... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Ujjwal Luksom

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 136 days. It is further submitted there is no legally admissible evidence connecting him with the murder.

Learned Additional Public Prosecutor opposes the prayer for bail and submits co-accused was identified by the minor witness viz. Yanzi. He has implicated the petitioner.

We have considered the materials on record. Complicity of the petitioner has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. No incriminating material has been recovered from him. In view of the extent of complicity of the petitioner in the alleged crime, period of detention suffered by him and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Govind Lakhotia**, 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, Kurseong, Darjeeling 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.

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.)