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allowed

CRM(DB) No. 26 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 538 of 2013 dated 04.10.2013 under Sections 448/376/511/506/34 of the Indian Penal Code and charge-sheet submitted under Sections 448/376/511/34 of the Indian Penal Code.

And

In Re : Arun Barman @ Naran petitioner

Ms. Jeenia Rudra
Mr. T. Kundu

.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Jana

..... for the State

Learned Counsel for the petitioner submits he is in custody for six months. He renews his prayer for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time. Report with regard to progress of the matter is filed.

We have considered the materials on record. Petitioner is in custody for more than six months. Trial court is lying vacant. Due to systematic reasons there is little possibility of progress in the trial. In view of the aforesaid circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate,

Balurghat, Dakshin Dinajpur, subject to condition that 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.)