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allowed

CRM(DB) No. 68 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranibandh Police Station Case No. 42 of 2019 dated 04.11.2019 under Sections 302/201 of the Indian Penal Code and charge-sheet submitted under Sections 302/201 of the Indian Penal Code.

And

In Re : Rajib Mandi petitioner

Mr. Riddhiman Mukherjee

Mr. Arkaprabh Roy

.....for the petitioner

Mr. Ranabir Roychowdhury

Mr. Mainak Gupta

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for over three years. It is also submitted that there is delay in trial.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial has substantially progressed. Eleven out of fourteen witnesses have been examined.

We have considered the materials on record. Sole eye-witness has not supported the prosecution case. In view of the aforesaid fact and the protracted period of detention suffered by the petitioner we are inclined to grant bail to him.

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, Khatra, Bankura, subject to conditions 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.)