

17.02.2023.
25.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 634 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur P. S. Case No.30 of 2022 dated 30.01.2022 under Sections 302/201/506/120B/34 of the Indian Penal Code.

In the matter of : Nityagopal Nath.

.... Petitioner.

Mr. Ayan Bhattacharjee,
Mr. Kunal Ganguly,
Ms. Ayesha Sultana.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Mr. Subrata Bhattacharya.

...for the de-facto complainant.

Petitioner is in custody for 287 days. He submits he is not the principal accused. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Charge has already been framed. Over 30 witnesses are proposed to be examined. There is little possibility of trial concluding in the near future.

Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Nityagopal Nath 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 Chief Judicial Magistrate, Paschim Bardhaman at Asansol subject to condition that he 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 enter the jurisdiction of Salanpur Police Station and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)