

22.02.2023.
18.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 695 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj P. S. Case No.458 of 2017 dated 04.07.2017 under Sections 302/34 of the Indian Penal Code read with Sections 25(1)(a)/27/35 of the Arms Act.

In the matter of : Sisir Dutta.

.... Petitioner.

Mr. Sudip Ghosh,
Mr. Pronojit Roy.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty

...for the State.

Mr. Kaushik Chowdhury,
Ms. Busra Khatun.

...for the de-facto complainant.

Petitioner is in custody for more than five years. Co-accuseds are on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner does not stand on the same footing with co-accuseds who are on bail. Date has been fixed for recording prosecution evidence on 24th March, 2023.

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

We have considered the materials on record. Petitioner is in custody for more than five years. It is contended vehicle of the petitioner was used to commit the crime but petitioner is not the principal accused. Co-accuseds are on bail. 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 protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sisir Dutta 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, Raiganj, Uttar Dinajpur 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.

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.)