

13.03.2023
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 906 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2023 in connection with Raiganj Airport Police Station Case No.846 of 2020 dated 19.10.2020 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.1917 of 2020)

And

In Re: **Sanjit Ghosh**

... .. Petitioner

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Arup Sarkar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and four months. It is further submitted most of the witnesses have turned hostile and have not supported the prosecution case.

Learned Advocate for the State opposes the prayer for bail and submits deceased suffered homicidal death. Medical evidence is yet to be brought on record.

We have considered the materials on record. Witnesses of fact have been examined. They have not supported the prosecution case in court. Investigating Officer and post-mortem doctor are yet to be examined. Release of the petitioner on bail would not affect the examination of the official witnesses. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sanjit Ghosh**, 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 Chief Judicial Magistrate, Uttar Dinajpur at Raiganj 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.)