

07.06.2023.
23.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2105 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.553 of 2014 dated 26.05.2014 under Sections 302/34 of the Indian Penal Code and Sections 25(i)(a)/27 of the Arms Act.

In the matter of : Jogen Barman @ Jogendra & Anr.
.... Petitioners.

Mr. Khalid Hasan.
...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.
...for the State.

Petitioners are in custody for more than eight years.

There is delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer.
He submits 25 out of 30 witness have been examined.

We have considered the materials on record. Petitioners are in custody for over eight years. Private witnesses have been examined. Only official witnesses are left. There is no possibility of the said witnesses being won over. There is no possibility that the petitioners would abscond or evade the process of law.

Keeping in mind the aforesaid facts and the protracted period of detention suffered by the petitioners, we are inclined to grant bail to them subject to conditions.

Accordingly, the petitioners viz., Jogen Barman @ Jogendra and Bijoy Ray @ Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 they 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 petitioners while on bail shall remain within the District of Uttar Dinajpur and report to the Officer-in-charge, Raiganj Police Station once in a week until further orders.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)