

27.06.2023

Sl. 26

Court No. 29

sdas

(Allowed)

C.R.M. (DB) 2183 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Raiganj Police Station Case No. 11 of 2020 dated 05.01.2020 under Section 302 of the Indian Penal Code.

And

In the matter of: **Ersad Alam alias Ershad Alam alias Ersad alias Ersad Ali**

....petitioner.

Mr. Jayanta Narayan Chatterjee

Ms. Moumita Pandit

Mr. Supreem Naskar

Ms. Jayashree Patra

...for the petitioner.

Mr. Neguive Ahmed, learned APP

Ms. Amita Gaur

...for the State

1. Report filed on behalf of the State be taken on record.
2. Heard the learned Counsel for the parties.
3. The supervening circumstance placed before us for grant of bail is that all the independent witnesses have already been examined in the case and only official witnesses remain to be examined. This is not the stage for us to embark upon appreciation of evidence adduced before the trial court but from the copy of evidence supplied by the learned Counsel for the petitioner we find that majority of them have either turned hostile or said nothing against the petitioner. Be that as it may, it is a question to be appreciated by the learned trial court.
4. Regard being had to such development, factum of permanent residence of the petitioner and long period of custody of the petitioner, it is directed that the petitioner shall be released

on bail by the learned Additional District and Sessions Judge, Fast Track Court-1, Raiganj, Uttar Dinajpur, in Sessions Case No. 43 of 2021 on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i) the petitioner shall appear on each date of trial before the trial court and ii) the petitioner shall not leave the jurisdiction of Raiganj Police Station before conclusion of trial in connection with G.R. Case arising out of Raiganj Police Station Case No. 11 of 2020 dated 05.01.2020.

5. Accordingly, the prayer for bail is allowed.
6. The application being **CRM (DB) 2183 of 2023** is disposed of.
7. Parties shall act on the server or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

