

07.07.2023
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 2695 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Gangarampur Police Station Case No.393 of 2019 dated 21.10.2019 under Sections 448/326/307/427/34 of the Indian Penal Code read with Sections 25(1B)/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.828 of 2019)

And

In Re: ***Biswajit Sarkar & Anr.***

... .. Petitioners

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Ayan Mondal

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioners that they were present at their residences and had not absconded. Petitioner no.1 is a school teacher and was regularly discharging his duties. Co-accused has been enlarged on bail. Accordingly, they pray for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners had absconded.

We have considered the materials on record. Allegation of abscondence requires to be assessed in the light of the submission that the petitioners were ordinarily at their residences. Petitioner no.1 attended his duties at the local school. Co-accused has been enlarged on bail. There is little possibility of the trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) Biswajit Sarkar & (2) Maniratna Saha**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)