

07.07.2023  
Sl. No.37  
**akd**  
[ALLOWED]

**C. R. M. (DB) 2700 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.06.2023 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.

And

In Re: ***Pinkai Saha @ Pinaki Saha***

... .. Petitioner

Mr. Asim Kumar Chakraborti

... .. for the petitioner

Mr. Tanmay Kr. Ghosh

Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he was present at his residence and had not absconded. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

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

We have considered the materials on record. Allegation of abscondence requires to be assessed in the light of the submission that the petitioner was ordinarily at his residence. 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 accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Pinkai Saha @ Pinaki Saha***, 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 Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur

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.)**