

26.07.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 2960 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Itahar Police Station Case No.78 of 2019 dated 14.03.2019 under Sections 341/323/324/326/34/304 of the Indian Penal Code.

And

In Re: **Amit Barman**

... .. Petitioner

Mr. Amit Roy

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 403 days. It is further submitted there is delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. Though conduct of the petitioner is not appreciable, we note co-accused have been enlarged on bail. There is little possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment. 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 and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Amit Barman**, 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 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Itahar Police Station and shall report to the Officer-in-charge, Itahar Police Station once in a week until further orders.

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.)