

16.08.2023
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allowed

CRM(DB) No. 3209 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 70 of 2022 dated 01.02.2022 under Sections 448/326/307 of the Indian Penal Code.

And
In Re : Gopal Dolui petitioner

Mr. Asraf Mandal
.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. Vital witnesses have not implicated him in the crime. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Injured victim and other witnesses have not implicated the petitioner in the course of trial. He is in custody for more than a year. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia, subject to conditions that petitioner shall

appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)