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CRM(DB) No. 3453 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baguiati Police Station Case No. 1002 of 2016 dated 12.09.2016 under Section 302 of the Indian Penal Code.

In Re : Gopal Mitra                      And  
..... petitioner

Mr. Angshuman Chakraborty  
Mr. S. S. Saha  
....for the petitioner

Mr. Nequive Ahamed, learned APP  
Ms. Amita Gaur  
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than seven years. It is also submitted in spite of direction given by this Court trial has not concluded. Thirteen witnesses have been examined. None of them have supported the prosecution case. He renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits three persons in the family were murdered.

3. We have considered the materials on record. We have also gone through the evidence recorded in the trial court. Evidence recorded so far does not implicate the petitioner in the murder. Even some of the statements of witnesses before the learned Magistrate are exonerative. Petitioner has suffered incarceration for more than seven years. In view of the aforesaid circumstances and the nature of evidence adduced so far we are

inclined to enlarge the petitioner on bail, however, subject to conditions.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24 Parganas at Barasat, on further condition that while on bail petitioner shall remain within the jurisdiction of Baguiati Police Station except for the purposes of investigation and /or attending court proceeding and shall meet the Officer-in-Charge, Baguiati Police Station once in a week until further orders. 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.)**