

06.09.2023
tkm/ct 28
sl no. 30

C.R.M. (DB) 3483 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Barikul P.S case no. 17 of 2022 dated 12.5.2022 under sections 448/326/307/376/511/506 IPC
and

Allowed

In Re : Swapan Garai ... petitioner

Mr. D Debnath
..... for the petitioner

Ms Faria Hossain
Mr. Anand Kehsari
..... for the State

1. Petitioner is in custody for more than a year. He submits vulnerable witness i.e. victim has already been examined. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Vulnerable witness i.e. victim has already been examined. Petitioner has suffered incarceration for a protracted period of time. There is no possibility of trial concluding in the near future.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 ACJM, Khatra on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 3483 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)