

01.12.2023  
Sl. No.55  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4466 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2023 in connection with Hemtabad Police Station Case No.12 of 2021 dated 28.01.2021 under Sections 302/34 of the Indian Penal Code and Sections 25(i)(a)/27/35 of the Arms Act. (G.R. Case No.152 of 2021)

And

In Re: ***Ranjit Barman***

... .. Petitioner

Mr. Kunal Ganguly

... .. for the petitioner

Ms. Zareen N. Khan

Mr. Arij Hossain

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years and two months. It is further submitted case is based on circumstantial evidence. Witnesses to the recovery of incriminating articles have not supported the prosecution case. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Principal incriminating circumstance against the petitioner is recovery of a motorcycle along with the articles of the deceased but the independent witnesses to the recovery have not supported the prosecution case. In view of the aforesaid fact and as the case is based on circumstantial evidence, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Ranjit 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 at Raiganj 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.

5. 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.
6. The application for bail, thus, stands allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**