

AD-42
Ct No.01
Jalpaiguri
02.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 27 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **04.01.2023** in connection with **Sitalkuchi** Police Station Case No. **30** of **2020** dated **26.02.2020** under Sections **447/302/323/325/354/506/34 IPC, 1860.**

And

In the matter of: **Prafulla Barman**

.... Petitioner

Mr. Arnab Saha,
Mr. Sourav Ganguly

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioner contends that the complaint was a result of a scuffle arising out of enmity. The victim died four days after the alleged offence. Therefore, subsequently Section 302 of the IPC was added.

It is submitted that the petitioner is already in custody for about 34 months. On May 25, 2020, charge-sheet was filed against 7 accused persons. Out of those, 4 have already obtained anticipatory bail. However, due to another co-accused absconding, the petitioner's bail was refused about 8 months back.

The trial is yet to begin comprehensively. As such, under such changed circumstances, the petitioner prays for bail.

Learned counsel for the State vehemently opposes such prayer.

However, upon perusal of the materials on record and hearing learned counsel for the parties, we are convinced that the petitioner is behind the bars sufficiently long and is accordingly entitled to bail.

Since the circumstances have changed since the last refusal inasmuch as the petitioner has been in custody for 8 months thereafter without any sign of the trial concluding, CRM (DB) 27 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.5,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge at Mathabhanga, Cooch Behar.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)