

AD-21
Ct No.01
Jalpaiguri
07.02.2023
TN

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

CRM (DB) 43 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **09.01.2023** in connection with **Mathabanga** Police Station Case No. **380 of 2020** dated **17.09.2020** under Sections **147/148/149/324/326/302 IPC**.

And

In the matter of: **Biraj Sarkar and others**

.... petitioners

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioners places reliance on a previous order dated January 30, 2023 passed in CRM (DB) 456 of 2022, whereby a co-accused person standing on a similar footing was released on bail. That apart, the allegations, it is alleged, is the result of a political enmity and the petitioner is not the principal accused.

Learned counsel for the State opposes the prayer for bail.

However, keeping in view the above circumstances, we are inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 43 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish bonds of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief

Judicial Magistrate, Mathabanga, Cooch Behar. The sureties may be common for all the petitioners.

The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend on each day of trial.

The petitioners 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 persons 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.)