

AD-30
Ct No.01
Jalpaiguri
07.02.2023
TN

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

CRM (DB) 52 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Pundibari Police Station Case No. 579 of 2021 dated 31.10.2021 under Sections 447/325/326/307/354/506/34 IPC, adding Section 302 IPC.

And

In the matter of: Jamaluddin Miya

.... petitioner

Mr. Swarup Das

... for the petitioner

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioner submits that the petitioner is in custody for 460 days. Moreover, a co-accused person is on anticipatory bail. It is further alleged by the petitioner that charge-sheet was filed on January 28, 2022 but the charges have not yet been framed.

Learned counsel for the State opposes the prayer for bail on the ground that the co-accused person who got anticipatory bail was standing on a lesser footing than the present petitioner. Moreover, the present petitioner was specifically named by witness's statement.

As such, it is submitted that keeping in mind the gravity of the offence, the bail should be refused.

However, keeping in view the period of custody of the petitioner and the fact that the trial is yet to commence substantially, we are inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 52 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar.

The petitioner 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 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 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.)