

27.02.2023

Sl. No.121

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (DB) 122 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.02.2023 in connection with Bhaktinagar Police Station Case No.265 of 2020 dated 10.04.2020 under Sections 302/394/34 of the Indian Penal Code.

And

In Re: **Krishna Barman**

... .. Petitioner

Mr. Arijit Ghosh

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Sourav Ganguly

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for more than two years and ten months. It is further submitted there is no progress in the matter since rejection of bail by this court.

Learned Advocate for the State opposes the prayer for bail and submits stolen phone of the deceased was recovered from a person to whom it had been mortgaged by the petitioner.

We have considered the materials on record. Case is based on circumstantial evidence. Stolen property was not recovered from the petitioner. Whether the recovery of the phone from another person would connect the petitioner to the crime may be assessed during trial. There is hardly any progress in the matter since rejection of bail by this court. Under such circumstances and in view of the period of detention

suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Krishna 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, Jalpaiguri 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.

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.

The application for bail, thus, stands **allowed**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)