

02.05.2023
KC (4)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 164 of 2023

In the Matter of : Md. Khairul

.... petitioner.

Mr. Gobinda Ghosh.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A.P.P.,
Mr. Sourav Ganguly.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 327 of 2018 dated 18th December, 2018 under Sections 395/201/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act corresponding to G.R. Case No. 3634 of 2018 pending before the court of learned Additional Chief Judicial Magistrate, Siliguri.

The accused was arrested on 14th January, 2019 in connection with his involvement in a robbery.

Charge-sheet has been filed on 12th April, 2019.

The co-accused are on bail.

It appears from the submissions that on 18th March, 2023 the learned court of the Additional Chief Judicial Magistrate, Siliguri rejected the petitioner's bail application.

No steps have been taken by the prosecution after filing of the charge-sheet.

On the above facts and circumstances, we think it is a fit case for grant of bail subject to the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri on the following conditions:

1. The petitioner shall deposit his passport, if he has one, with the investigating officer,
2. He shall report before the said officer once a week,
3. The petitioner shall not leave the limits of the Uttar Dinajpur where he resides without informing the I.C.,
4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 164 of 2023] is,
accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)