

10.05.2023

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

C.R.M.(DB) 171 of 2023

In Re: An application for bail under Section 439 of the Code
of Criminal Procedure, 1973.

And

In the Matter of : Deoman Rai

.... petitioner.

Mr. Nirmal Rai

.....For the petitioner.

Mr. Aditi Sankar Chakraborty,

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 Darjeeling Sadar Police Station Case No. 281 of 2016 dated 28th December, 2016 under Section 302/323/307/34 of the Indian Penal Code, 1860 pending before the court of learned Additional District & Session Judge, 1st Court, Darjeeling.

Learned advocate for the State opposes the prayer for bail.

The petitioner is in custody for about seven years. The trial of the criminal case has proceeded substantially. Most of the witnesses have been examined.

After hearing the parties and considering the materials on record and those produced and keeping in mind the period of custody as also the stage of trial, we allow this application for bail to the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Session Judge, 1st Court Darjeeling on the following conditions:

1. The petitioner should be present in court on the dates when the trial is fixed.
2. He shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
3. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
4. 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) 171 of 2023] is, accordingly, disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)

