

02.05.2023
KC (11)

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

C.R.M.(DB) 179 of 2023

In the Matter of : Shivraj Thapa @ Shibraj Thapa
.... petitioner.

Mr. Sudip Guha.....For the petitioner.

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas.....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. 44 of 2021 dated 24th March, 2021 under Section 302 of the Indian Penal Code, corresponding to G.R. Case No. 499 of 2021 pending before the court of learned Additional Session Judge, Alipurduar.

The charge against the petitioner is under Section 302 of the Indian Penal Code.

He is in custody for 2 years and 20 days.

Learned counsel for the State submits that the petitioner should be detained till conclusion of the trial as the charge against him is extremely serious.

We find that investigation is long over. Charge-sheet has been submitted and charges have been framed against him on 7th September, 2021.

Although trial has commenced, out of 24 witnesses only 7 have been examined and there is no evidence on record to suggest that the petitioner would tamper with evidence or intimidate witnesses or flee from justice.

In such circumstances, we think it is a fit case for grant of bail on 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 Chief Judicial Magistrate, Alipurduar 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, as and when summoned,
3. The petitioner shall not leave the limits of the district Alipurduar 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) 179 of 2023] is,
accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)