

10.05.2023
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 193 of 2023

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

And

In the Matter of : Md. Sakir Khan

.... petitioner.

Mr. Mayank Roy,
Mr. Subham Ghosh

.....For the petitioner.

Mr. Kallol Acharjee,
Mr. Arjun Chowdhury

.....For the State.

1. This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kharibari Police Station Case No. 210 of 2021 dated 22nd July, 2021 under Section 395 of the Indian Penal Code, 1860 read with Section 25/27 of the Arms Act (G. R. Case No.3225 of 2021), corresponding to Sessions Case No.125/2021 pending before the learned Fast Track Court at Siliguri.
2. The petitioner prays for bail. The learned advocate for the petitioner submits that the petitioner is in custody for 576 days. He further submits that the

trial has already commenced and three of the witnesses have been examined.

3. Learned advocate for the State opposes the prayer for bail.

4. 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:

5. 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 on the following conditions:

- (i) The petitioner should be present in court on the dates when the trial is fixed.
- (ii) He shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
- (iii) He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- (iv) 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.

6. The application for bail CRM (DB) 193 of 2023 is,
accordingly, disposed of.

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