

10.05.2023
sb (17)

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

C.R.M.(DB) 197 of 2023

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

And

In the Matter of : Alamin Miya @ Miah
.... petitioner.

Mr. Biswarup Roy
Mr. Sourav Kar
.....For the petitioner.

Mr. Nilay Chakraborty
Mr. Kallol Nag
.....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 G.R case No.2418 of 2022 arising out of Jaigaon Police Station Case No.253 of 2022 dated 21.10.2022 under Section 363/354 (c) and adding section 365/376 (d) of the Indian Penal Code, 1860.
2. The learned advocate for the petitioner prays for bail. The petitioner submits that the petitioner is in custody for 160 days. He further submits that the charge sheet has been filed and charges have been framed already.

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, we allow this application for bail to the following conditions:

- i) 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:
- ii) The petitioner should be present in court on the dates when the trial is fixed.
- iii) He shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
- iv) He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- v) 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) 197 of 2023] is,
accordingly, disposed of.

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