

12.05.2023  
sb (36)  
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IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 250 of 2023

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

And

In the Matter of : **Rafiqul Alam @ Rafiq**  
.... petitioner.

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

Mr. Sourav Ganguly  
Mr. Arjun Chaudhury  
.....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 22<sup>nd</sup> July, 2021 under Section 395 of the Indian Penal Code, 1860 read with Section 25/27 of the Arms Act corresponding to G. R. Case No.3225 of 2021.
2. The petitioner prays for bail. The learned advocate for the petitioner submits that the petitioner is in custody for 580 days. He further submits that the trial has already commenced and three of the witnesses have been examined. Learned advocate for

the petitioner further submits that other co-accused in this case has been granted bail by this Hon'ble Court and the petitioner is standing on the same footing.

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, Siliguri, 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) 250 of 2023 is,  
accordingly, disposed of.

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