

and after hearing both the parties, learned Sessions Judge was pleased to cancel the bail, granted earlier.

Assailing the said order, the petitioner preferred an application being CRR 29 of 2023 before this court. During pendency of the said revisional application, the accused petitioner has been rearrested on 17.4.2023 and till that date, he is in custody for about 45 days. It is submitted that the petitioner has been falsely implicated in the present case. It is further submitted that the trial of the said proceeding has been advanced to a considerable extent and at present, it is pending for examination of PW 4. It is further submitted that the court is lying vacant for a considerable time and the trial is getting delayed. It is further submitted that other accused person has been granted bail by this court being CRR (SB) 6 of 2023 and the present petitioner is on better footing and accordingly he has prayed for granting bail at any terms and conditions.

Mr. Luksum, learned counsel for the State leaves the prayer for bail to the discretion of the court. He has only pointed out one statement recorded during investigation under Section 161 of the Code of Criminal Procedure against the present petitioner and he has not made any other allegation against the petitioner herein.

Having considered the facts and circumstances of the case and that the trial has been advanced to a considerable extent, I find no justification to detain the present petitioner any further in the name of custody trial, in the absence of any allegation to misuse the liberty earlier.

The petitioner is granted bail upon furnishing a bond of Rs. 5,000/- (Rupees Five 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 subject to condition that the petitioner shall appear before the trial court on every date of hearing till conclusion of trial and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without justifiable cause, or violates any other condition made above, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

CRM (SB) 8 of 2023 is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)