

05.07.2023

Item no.3

Court No.1.

AB

(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 285 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No.1138 of 2020 Dated 27.8.2020 under Sections 341/326 307/302/506/34 of the Indian Penal Code

And

In the matter of : Pritam Kumar Gupta

.....Petitioner.

Ms. Rima Sarkar for the Petitioner.

Mr. A. S. Chakraborty, ld. APP,
Mr. Kallol Nag for the State.

Heard learned Advocate for the petitioner and the learned Advocate for the State at length.

It is submitted on behalf of the petitioner that considering the long detention of the present accused petitioner and also considering the fact that the present accused petitioner is not the principal accused, the instant application for bail may be considered favourably. It is also submitted that the alleged incident occurred on account of family turmoil.

While opposing the prayer for bail, learned Advocate for the State draws our attention to the statements of the witnesses recorded so far under Section 161 Cr.P.C. as well as to the post mortem report of the victim. It is contended that the name of

the present accused petitioner is very much prominent in the case diary.

On perusal of the entire materials as placed before us and after giving due consideration to the submissions of the learned Advocates for the contending parties, it appears that admittedly, the role of the present accused petitioner is found prima facie prominent in the alleged offence, but considering the fact that the present accused petitioner did not give the fatal blow on the head of the victim and also considering the fact that the present accused petitioner's detention is considerably long, we are inclined to take a lenient view and allow the prayer for bail of the petitioner.

Accordingly, we direct that the petitioner, namely Pritam Kumar Gupta shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri, and on further conditions that he shall meet the Officer in Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer in Charge and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial

court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)