

07.07.2023

Item no.7

Court No.1.

AB

(Allowed)

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

CRM (DB) No. 355 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kumargram Police Station Case No.369 of 2022 Dated 24.12.2022 under Section 302 of the Indian Penal Code

And

In the matter of : Niranjana Das

.....Petitioner.

Mr. Sudip Guha for the Petitioner.

Mr. A. S. Chakraborty, Id. APP

Mr. Kallol Nag for the State.

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

At the very outset, learned Advocate for the petitioner submits before this Court that considering the fact that the present accused petitioner is languishing in jail custody for a considerable period of time and there is no chance of his absconsion, the instant application for bail may be considered favourably.

Learned Advocate for the State, however, opposes such prayer.

On perusal of the entire material in the case diary, it appears that admittedly, the allegation as made out in the first

information report gets due support in course of investigation. Investigation is stated to have been completed.

In our considered opinion, this is not a fit case for custodial trial especially when no case has been made out on behalf of the State that in the event the present accused petitioner is enlarged on bail, he may abscond and/or tamper with evidence and/or cause threat or inducement to the witnesses during trial.

Considering the entire facts and circumstances as discussed above, we are inclined to allow the instant application for bail.

Accordingly, we direct that the petitioner, namely Niranjana Das shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar, and on further condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. 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.)