

11.07.2023
Item no.24
Court No.1.
AB
(Allowed)

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

CRM (DB) No. 382 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.80 of 2023 Dated 9.3.2023 under Section 302/34 of the Indian Penal Code

And

In the matter of : Diya Modak @ MadakPetitioner.

Mr. Arnab Sahafor the Petitioner.

Mr. Abhijit Sarkar,
Mr. Kallol Nagfor the State.

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

The petitioner seeks bail basically on the ground of parity and on account of completion of investigation. Learned Advocate for the petitioner has handed up server copy of the order dated 6.7.23 passed in CRM (DB) 369 of 2023 whereby we enlarged one charge-sheeted co-accused on bail.

On perusal of the entire material placed before us, we find that the present petitioner, who is a lady, stands on the same footing as the co-accused, who was enlarged on bail by this Court in the aforementioned case.

Such being the position, we are inclined to allow the prayer of the petitioner.

Accordingly, we direct that the petitioner, namely Diya Modak @ Madak 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, Alipurduar and on further condition that the present accused petitioner shall not leave the territorial jurisdiction of the learned Trial Court unless permitted by the said Court till conclusion of trial and on further condition that the present petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure. The present petitioner 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.)

