

26. 11.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 384 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Alipurduar Police Station Case No. 80 of 2023** dated **09.03.2023** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Priya Modak @ Madak**

...petitioner.

Mr. Arnab Saha, Adv.

...for the petitioner.

Mr. Abhijit Sarkar, Adv.,

Mr. Biswaroop Roy, Adv.

...for 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 July 6, 2023, 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 for bail of the petitioner.

Accordingly, we direct that the petitioner, namely, **Priya 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, on 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 with a further condition that the present accused/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, 1973. The present accused/petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (DB) 384 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)