

28.
Court
No.1

11.07.2023
Tanmoy Ghosh

Allowed

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

CRM (DB) 387 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Bhaktinagar Police Station Case No. 570 of 2021** dated **29.05.2021** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Kalyan Roy**

...petitioner.

Mr. Sourav Ganguly, Adv.,
Mr. Bikash Singha, Adv.

...for the petitioner.

Mr. Kallol Acharjee, Adv.,
Mr. Subhasish Misra, Adv.

...for the State.

The petitioner says that he is in custody for two years, one month and ten days. Charge-sheet was submitted in July, 2021. Till now charge has not been framed. It is anybody's guess as to when the trial will commence or will conclude. Further custodial detention of the petitioner is not necessary.

Learned Advocate for the State opposes the prayer for bail. He draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973.

No doubt, the nature of the alleged offence is serious. However, charge-sheet has been filed after conclusion of investigation. It may not be necessary for the Police to detain the petitioner in custody any longer.

On an overall assessment of the material on record and the extent of detention of the petitioner, we are inclined to allow the petitioner's prayer for bail but with stringent conditions.

Accordingly, we direct that the petitioner, namely, **Kalyan Roy**, shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- each, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, 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) 387 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)