

28.
Court
No.1

12.07.2023

Tanmoy Ghosh

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (DB) 412 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Darjeeling Sadar Police Station Case No. 281 of 2016** dated **28.12.2016** under Sections **302/323/307/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Shri Balay Rai**

...petitioner.

Mr. Anirban Banerjee, Adv.

...for the petitioner.

Mr. Kallol Acharjee, Adv.,
Mr. Aniruddha Biswas, Adv.

...for the State.

The petitioner says that he is in custody for six years and six months. A co-accused standing on the same footing, has been granted bail by this Court.

We have considered the facts and circumstances of the case and the material in the case diary which is produced by learned Advocate for the State. It appears to us that the petitioner is similarly circumstanced as the co-accused who was granted bail by the order dated May 10, 2023, in CRM (DB) 171 of 2023.

Accordingly, on the ground of parity, we allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Shri Balay Rai**, 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 District and Sessions Judge, 1st Court, Darjeeling on the following conditions:

1. The petitioner should be present in Court on the dates when the trial is fixed.
2. He shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
3. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
4. The petitioner shall attend the Court on each and every day of trial, in default, the Court shall be at liberty to cancel the bail bond without any reference to this Bench.

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) 412 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)