

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

06.01.2023
Court No.1
Item. 08
(Suvendu)

CRM(DB) 388 OF 2022

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kotwali Police Station Case No. 821 of 2021 dated 17.08.2021 under Sections 143/341/326/307/302/34 of the Indian Penal Code, 1860.

And

In the matter of: Sri Goutam Sakrar

.Petitioner.

Mr. Suman Sehanabis (Mandal)
Mr. Salok Sah

For the Petitioner.

Mr. Kallol Acharjee
Mr. Aniruddha Biswas

For the State.

Although the petitioner's earlier prayer for bail was rejected twice, on 21.12.2021 and 12.07.2022, having considered the evidence of the eye witness/defacto complainant as well as the survivor of the incident, none of which mention the petitioner by name, we are of the view that the petitioner's prayer for bail should be granted.

We have noted that the evidence was taken on 5th and 6th September, 2022, i.e. after the last rejection of the prayer for bail wherein specific persons were named as the perpetrators of the incident. The petitioner's name does not find place in the evidence.

Learned counsel appearing for the State objects to the prayer for bail.

We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned CJM, Cooch Behar. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

CRM(DB) 388 of 2022 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY,J.) (MOUSHUMI BHATTACHARYA,J.)