

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

09.01.2023
Court No.1
Item. 09
(Suvendu)

CRM(DB) 426 OF 2022

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with F.I.R No. RC0562021S0019 dated 27.08.2021 of Central Bureau of Investigation, CBI, SCB Kolkata under Section 120-B/147/149/302/34 of the Indian Penal Code arising out of Sitalkuchi Police Station Case No. 104 of 2021 dated 05.05.2021

And

In the matter of: Madan Barman & Anr.

.Petitioners.

Mr. Swarup Das

For the Petitioners.

Mr. Sudipto Kumar Mazumdar, Ld. DSG,
Mr. Ajoy Kumar Singhanian

For the CBI.

The two petitioners before us were allegedly involved in an incident of post-poll violence and six of the accused persons have been absconding since May, 2021. The charge-sheet was submitted on 28th April, 2022 and the trial is yet to commence. The first petitioner has been in custody for 435 days and the second petitioner for 394 days.

After considering the submissions of the parties and the materials on record, we are of the view that although the concerned authority insists upon the continuing incarceration of the petitioners before us since the six others are yet to be traced, the prayer for bail of the petitioners should be allowed upon imposing appropriate conditions.

We accordingly direct that the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) each with two sureties each of like amount, one of who must be local, to the satisfaction of the learned A.C.J.M., Mathabhanga. The petitioners shall not induce witnesses or influence them or tamper with evidence. The petitioners shall also make themselves available for the trial as and when the petitioners are required and shall also not leave the jurisdiction of the Mathabhanbga Police Station.

CRM(DB) 426 of 2022 is accordingly allowed and disposed of in terms of the above.

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