

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

05.12.2023.
1/tkm

C.R.M. (DB) 593 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matelli P.S case no. 40 of 2023 dated 25.2.2023 under sections 365/368/120B of the IPC charge sheet submitted under sections 364/201/302/34 IPC
and

Allowed

In the matter of : Subhas Chik Barik @ Bittu & Anr.
..... Petitioners

Mr. M Dutta

...for the Petitioner

Mr. Joyjit Chaudhury, Id AAG
Mr. A S Chakraborty, Id APP
Mr. S Misra

...for the State

1. Report is placed on record.
2. Report shows after submission of supplementary charge sheet Public Prosecutor has been appointed. Delay in appointment of Public Prosecutor is condoned.
3. Learned lawyer for the petitioners submits case is based on circumstantial evidence. Co-accused are on bail. There is no possibility of trial concluding in the near future. They pray for bail.
4. Learned lawyer for the State opposes the bail prayer.
5. We have considered the materials on record. Case is based on circumstantial evidence. Apart from statements of witnesses that the petitioners and co-accused were last seen

with the victim there is no other material connecting them with the crime. Co-accused who are similarly circumstanced with the petitioners are on regular bail. There is no possibility of trial concluding in the near future. Petitioners have strong roots in society and there is no possibility of abscondence.

6. Under such circumstances, we are inclined to grant bail to the petitioners.

7. Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, Jalpaiguri on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

8. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

9. The application being CRM (DB) 593 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)