

11.12.2023
6
sdas
allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM(DB) No. 690 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Birpara Police Station Case No. 98 of 2023 dated 16.07.2023 under Sections 302/34 of the Indian Penal Code.

And

In Re : Sri Rohan Gowala & Ors. petitioners

Mr. Kalipada Das

.....for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Subhasish Misra

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for over four months. It is also submitted there was a sudden quarrel over labour payment. Petitioners did not intend to murder the victim. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for recording evidence.

3. We have considered the materials on record. Incident occurred in the course of a sudden quarrel over labour payment. Keeping in mind the aforesaid fact and as there is no chance of petitioners' absconding or evading the process of trial we are of

the opinion further detention for progress of investigation is not necessary and they may be enlarged on bail.

4. Accordingly, we direct that the petitioners shall 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 Additional Chief Judicial Magistrate, Alipurduar, subject to conditions that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)