

14.12.2023
8
sdas
Allowed

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (DB) 693 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 717 of 2023 dated 16.08.2023 under Sections 341/324/325/307/506/34 of the Indian Penal Code.

And
In Re : Pemba Tamang @ Rahulpetitioner

Mr. Hillol Saha Podder
..... for the petitioner

Mr. Tapan Bhattacharya
Mr. Dhima Shil
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 104 days. Investigation is complete. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. There is no progress in the matter since rejection of bail by this Court. Investigation is complete. Keeping in mind the facts and circumstances of the case and period of detention suffered by the petitioner we are inclined to grant bail.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri,

subject to condition that the petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his 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.)