

22.04.2024
SL No.21
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 113 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No.267/2023 dated 13.07.2023, corresponding to Sessions Case No.152 of 2023, GR Case No.(1) 366/2023 under Section 302 of the Indian Penal Code.

And

In the matter of : **Kanteswar Barman**

- Petitioner.

Mr. Surojit Basu,
Mr. Ratan Chandra Roy,
Mr. Pushpen Barman,
Mr. Sayantan Bhowmik
... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Sourav Ganguly
... For the State.

1. Heard the learned Advocates for the parties.
2. It is submitted on behalf of the petitioner that considering the long detention of the present accused petitioner and also considering the fact that there occurred a prolonged delay in the trial, the instant bail application may be considered.
3. While opposing the prayer for bail, the learned Advocate for the State submits before this Court that there are sufficient incriminating materials as against the present petitioner to come to a finding that it is none but the

present accused who has committed the murder of his own wife to be enlarged on bail.

4. On perusal of the entire materials as placed before us it appears that the case is based on circumstantial evidence. The charge-sheet is stated to have been submitted in the meantime. In absence of any plea on the part of the State that in the event the present accused petitioner is enlarged on bail, he may abscond and/or tamper with evidence, we are inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail is allowed on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the learned A.C.J.M., 2nd Court, Dinhata, Cooch-Bihar in Sessions Case No.152 of 2023, GR Case No.(1) 366/2023 arising out of Sahebganj Police Station with a condition that the present accused petitioner shall not leave the territorial jurisdiction of the trial Court unless such condition is relaxed by the said trial Court.
6. It is further directed that the present accused petitioner shall attend the trial Court on each and every date of substantive hearing, failing which, the trial Court has been given liberty to cancel the bail as granted by us. It is further directed that the present accused petitioner shall not cause any threat and/or intimidate the charge-sheeted witnesses.

7. Accordingly, the application for bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)