

**In the High Court At Calcutta
Jalpaiguri Circuit Bench**

CRM (DB) 552 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kotwali Police Station** Case No. **178 of 2021** dated **21.03.2021** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Subodh @ Santosh Barman @ Roy

.... Petitioner.

Mr. Shubhankar Dutta,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Sanjiv Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that the principal accused has been granted bail by order dated February 7, 2023, passed in CRM (DB) 56 of 2023. The other accused persons have also been enlarged on bail by orders dated November 26, 2021 passed in CRM 1036 of 2021 and May 5, 2022 passed in CRM (DB) 115 of 2022. He is in custody for 146 days. Examination of the first prosecution witness has just begun. There are 45 charge sheet named witnesses. There is no possibility of an early conclusion of the trial. There is no such incriminating material against him as would justify his continued detention in the judicial custody.

2. Opposing the bail prayer, learned Advocate for the State says that the petitioner was absconding for more than two years. Warrant of arrest was issued against him. Only thereafter he surrendered before the learned Trial Court. He is an influential

person and declared as a proclaimed offender. He is a member of the Cooch Behar Bar Association. If enlarged on bail, he is likely to influence prosecution witnesses.

3. We have considered the rival contentions of the parties. It is not that the petitioner was arrested. He voluntarily surrendered before the learned Trial Court. He is in custody for about five months. Regarding the apprehension of the State that he may tamper with evidence, the same can be taken care of by imposing stringent conditions for bail. There is no possibility of an early conclusion of the trial given that there are 45 charge sheet named witnesses.

4. In view of the aforesaid, we do not see why further custodial detention of the petitioner is necessary.

5. Accordingly, we direct that the petitioner, namely, **Subodh @ Santosh Barman @ Roy**, 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, Cooch Behar subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of district Cooch Behar and shall provide his current address where he will reside to the officer-in-charge of the concerned police station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

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

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)