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11-11-2024
(ct. no.01)
KOLE
Allowed

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

CRM (DB) 583 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 **Nagrakata Police Station** Case No. **76 of 2024** dated **27.05.2024** under Sections **448/342/325/302/34/120B** of the Indian Penal Code.

- A n d -

In the matter of : Gourav Gowala

.... Petitioner.

Mr. Arijit Ghosh,

... For the Petitioner.

Mr. Saikat Chatterjee,

Mr. Dr. Arjun Chowdhury,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is one of eight accused persons. He says that he is in custody for 161 days. Two accused persons are still absconding. There is very little chance of the case being committed in the near future. There is no such evidence against him as would justify his continued detention in judicial custody.

2. Opposing the bail prayer, learned State Advocate draws our attention to statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Such statements as also be first information report named all eight accused persons. There is nothing specific against this petitioner.

3. We see that there are 24 witnesses named in the charge sheet. There is very little likelihood of the trial coming to an early conclusion. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged

crime as also keeping in mind that the investigation is complete, we are of the view that further custodial detention of the petitioner may not be necessary.

4. Accordingly, we direct that the petitioner, namely, **Gourav Gowala**, 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 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 Nagrakata Police Station 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.

5. 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.

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

7. 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.)**