

28.11.2024
SL No.4
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 620 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **18.11.2024** in connection with **Haldibari** P.S. Case No. **26/2024** dated **28.02.2024** under Sections 302/201/120B of the Indian Penal Code.

And

In the matter of: **Raja Roy**

....Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

...for the State

The petitioner is in custody for 257 days. The petitioner claims to be a friend and associate of the principal accused. According to the petitioner, he was not involved in the incident.

Learned Advocate for the State vehemently opposes the prayer for bail on the ground that although Bappa is in custody and he is the principal accused, the petitioner assisted Bappa in the homicide and there is recovery of incriminating articles from the possession of the petitioner.

We have perused the case diary and also the other materials. The charge-sheet has been submitted. Considering the materials on record and co-accused is already on bail, and 20 witnesses have been cited, we are inclined to grant bail on

the touch-stone of Article 21 of the Constitution of India, as further detention of the petitioner would amount to pre-trial punishment. The prayer for bail is allowed.

Accordingly, we are of the view that the petitioner should be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of equal amount each, to the satisfaction of the learned Additional Sessions Judge, Mekhliganj. The petitioner will attend the learned trial court on each and every date fixed and shall not leave the jurisdiction of the trial court without further orders of the trial court. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall share his location with the concerned police station at Mekhliganj on a weekly basis.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)