

04.12.2024
SL No.13
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 679 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 **02.12.2024** in connection with **Maynaguri** P.S. Case No. **162/2023** dated **03.05.2023** under Section 302 of the Indian Penal Code.

And

In the matter of: **Samrat Das**

....Petitioner

Mr. Biswarup Roy,
Ms. Supriya Debnath

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

...for the State

The petitioner is 21 years old. He prays for bail on the ground of prolonged detention. The petitioner has been in custody for 605 days. 36 witnesses have been cited in the charge-sheet. Out of which, four witnesses have been examined. It is submitted that the court is lying vacant and there is hardly any possibility of early conclusion of trial.

Learned Advocate for the State vehemently opposes the prayer for bail and produces the case diary to show that the petitioner had committed a heinous offence and tried to mislead the prosecution. The medical report has already been placed in great details.

Considering the nature of evidence already adduced by the prosecution, including the evidence of the de facto

complainant and further considering that there is hardly any chance of early conclusion of trial, we are inclined to grant bail to the petitioner on the touchstone of Article 21 of the Constitution of India, especially taking note of his formative age. The prayer for bail is allowed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 4th Court, Jalpaiguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

Although, the investigation is complete, in the facts of this particular case we direct that the petitioner will meet the Inspector-in-Charge, Maynaguri police station twice a week until further order of this court.

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.)