

Allowed

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station Case No. 67 of 2022 dated 25.01.2022.

In Re : **Madan Gopal Roy @ Madangopal Roy** ... Petitioner

Mr. Milon Mukherjee
Mr. Aniruddho Bhattacharyya
Ms. A. Bose
Ms. R. Das

Ms. Amita Gaur
Ms. Madhumita Basak ... for the State

The petitioner is in custody for about three years and renews his prayer for bail.

I have considered the material on record. Bail prayer of the petitioner was turned down on December 19, 2022 considering the material on record. This Court is informed that the prosecution proposes to examine forty witnesses out of which six witnesses have been examined so far. Examination of the defacto complainant is complete. The petitioner appears to be a member of the gang which attacked the victim. It is stated that all of them assaulted the

victim resulting in his death. No specific overt act has been attributed to the petitioner in the alleged crime.

Striking a balance between the period of incarceration of the petitioner and the stage of trial, this Court is of the view that the petitioner may be released on bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioner **Madan Gopal Roy @ Madangopal Roy**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that he shall remain outside the jurisdiction of Gangarampur Police Station except for the purpose of appearing before the learned trial Court on every date of hearing and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer in Charge of the concerned police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary is returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)