

28.11.2019.  
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as  
(Allowed)

**C.R.M. 10880 of 2019**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.10.2019 in connection with Alipurduar P. S. Case No.176 of 2019 dated 08.05.2019 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : Rajen Gosai & Anr.

.... Petitioners.

Mr. Arnab Saha.

...for the Petitioners.

Mr. N. Ahmed, Id. A.P.P.,  
Ms. Trina Mitra.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioners that they are in custody for about 202 days and co-accused persons have been granted bail.

Learned Advocate appearing on behalf of the State opposes the prayer for bail and submits that on the leading statement of the petitioners, weapon of offence was recovered.

We have considered the materials on record. There is no direct evidence connecting the petitioners with the alleged crime. Impact of alleged recovery is to be decided in the light of other evidence on record at the appropriate stage of the proceeding.

However keeping in mind the facts and circumstance of the case and the period of detention suffered by the petitioners, we are inclined in granting bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar subject to condition that the petitioners 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.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application, being C.R.M.10880 of 2019, is disposed of.

**(Suvra Ghosh,J.)**

**(Joymalya Bagchi, J.)**