

10.09.2020

Item no. 2

Ct.11

CHC

Allowed

C.R.M. No.5480 of 2020
[C.R.A.N.1 of 2020 (Old No. CRAN 3806 of 2020)]
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalyani Police Station Case No. 164 of 2019 dated 03.04.2019 under Sections 302/120B/34 of the Indian Penal Code.

And

In the matter of:-

Swapan Debnath @ Chotka

... Petitioner

Mr. Soubhik Mitter,
Mr. Kshitimohan Karmakar

.. for the petitioner

Mr. Pradipta Ganguly,
Mr. Sudip Ghosh,
Mr. Apurba Datta

..for the State

Learned advocate for the petitioner Mr. Mitter submits that the petitioner is in custody for a considerable period of time and he has been mala fide by implicated in the case at the instance of the police authorities without foundation either in fact or in law. He further adds that earlier report was called for and so far the cases which have been referred to the main case relates to NDPS Act where the petitioner has already been acquitted. According to

Mr. Mitter, the present petitioner has been implicated in this case after he has been acquitted in the NDPS case.

Mr. Ganguly, learned advocate appearing for the State submits a report and refers to the cases. He also draws the attention to the statement under Section 164 of the Cr.P.C of the different witnesses.

We have perused the contents of such statements without entering into the merits of the contents of the statements and the time period after which it was recorded, we find that *prima facie* the petitioner has made out a case for release on bail. Accordingly, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, one of whom must be local, to the satisfaction of the Learned A.C.J.M, Kalyani and on condition that he shall not tamper with evidence and/or intimidate the witnesses.

It is further directed that the petitioner shall meet with the Officer-in-Charge of Kalyani Police Station every alternate date until further orders, and in case the petitioner is not available before the learned trial court without any justifiable cause the learned trial court would be at liberty to cancel the bail without any further reference to this Court.

With these observations, CRM 5480 of 2020 and CRAN 1 of 2020 (Old CRAN No.3806 of 2020) are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)