

C.R.M. 8505 of 2020
(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Panchasayar P.S. Case No. 20 of 2020 dated 17.03.2020 under sections 120B/302/324/34/212 of the Indian Penal Code.

And

In the matter of : Subhas Chakraborty

Mr. Jaydeep Biswas
Mr. Soumyadeep Das
Mr. K. Ghosh

... ... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... ... for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. He was not named in the FIR. Supplementary charge-sheet filed in the instant case against the petitioner for the offence punishable under section 212 of the Indian Penal Code only.

Learned lawyer for the State strongly opposes the prayer for bail. He submits petitioner was aware of the crime and had harboured the accused persons who were subsequently arrested.

We have considered the materials on record including the statements of witnesses namely, Mala Das and one Biswajit Majumder who claims to be the driver of the petitioner. These statements at its height disclose post-

occurrence involvement of the petitioner in harbouring the co-accuseds. That too, the statements were recorded belatedly after the arrest of the petitioner on 19.06.2020.

In view of the aforesaid facts and in view of the extent of involvement of the petitioner which prima facie discloses his post-occurrence involvement only, we are of the view that his involvement in the murder may be assessed at the appropriate stage of the proceeding in accordance with law. However, in the facts and circumstances of the case and the period of detention, that is, 127 days, already suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24-Parganas subject to the condition that the petitioner shall remain within the jurisdiction of Khardah Police Station except for the purpose of attending Court proceedings and shall report to the officer-in-charge of Khardah Police Station once in a week until further orders and 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 petitioner fails to do so without justifiable cause, the 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, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)