

04.12.2020
tkm
sl no. 35

**C.R.M. 9855 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Labpur P.S. Case No. 51 of 2017 dated 6.4.2017 under Sections 341/342/346/347/329/364/302/201/120B of the Indian Penal Code
And

Allowed

In Re : Tapasi Hizra @ Bayen @ Ferat Bayen petitioner

Mr. S K Dan

Mr. S Datta

..... for the petitioner

Mr. Swapan Banerjee

Mr. Suamn De

..... for the State

Petitioner is in custody for 263 days and it is submitted that co-accuseds are on bail.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner had absconded for a protracted period of time and was ultimately arrested in March 2020. Bail granted to co-accuseds was cancelled.

In rebuttal, it is submitted this court has stayed the order canceling bail of co-accuseds.

We have considered the materials on record. We note that the co-accuseds are at liberty pursuant to an order passed by this court.

No doubt, petitioner had been arrested for a protracted period of time.

However, keeping in mind the extent of complicity of the petitioner in the alleged crime and as the possibility of conclusion of trial in the near future does not appear to be bright, we are inclined to grant bail to the petitioner however subject to conditions.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM, Bolpur, Birbhum on condition that the petitioner 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 and on further condition that the petitioner shall remain within the jurisdiction of Labpur P.S except for the purpose of attending trial proceedings and shall report to the said officer in charge once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 9855 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)