

08.01.2021

Item no.3

Ct.5

CHC

Allowed

C.R.M. No.109 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Pandua Police Station Case No. 548 of 2018 dated 12.10.2018 under Sections 394/397/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In the matter of:-

Debnath Das

... Petitioner

Mr. Arunava Ganguly

.. for the petitioner

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

..for the State

This pertains to the prayer for bail.

Learned advocate Mr. Ganguly proposes for releasing the petitioner on bail on the ground of long incarceration of two years together with delay caused in the commencement of the trial.

It is further submitted that this accused/petitioner went unidentified in T.I.P. and further that the recovery of money shown in this case belongs to the mother of the petitioner, who

maintains an account in Bandhan Bank, wherefrom money was robbed of.

Learned Additional Public Prosecutor, Mr. Ghosh raises objection against the prayer for bail referring the recovery to the extent of Rs.780/- bank notes from the accused person and the other statements found in the C.D.

The case has already been committed to the Court of Sessions. One of the accused persons is now enjoying bail. Nothing is shown in respect of the material placed, as regards custody trial of the instant accused person.

Having considered the materials already collected in the C.D. in context with the submission of both sides and bearing in mind the period of detention already undergone by the petitioner together with extent of his complicity and the further fact that long detention has failed to recover any other item, other than seized money from the possession of the accused person, we are persuaded to grant bail to the petitioner.

Accordingly, petitioner (Debnath Das) may find bail of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of Rs.10,000/- each, one of whom must be local subject to the satisfaction of Learned Chief Judicial Magistrate, Hooghly and on condition that petitioner shall ensure his presence on each date of hearing and will not intimidate the witnesses in any manner whatsoever and further will not tamper the evidence already collected until further order.

This Court makes it clear that in the event of making any departure as regards making observance of the conditions of bail, the trial court shall be free to go for cancellation of the bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 109 of 2021** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)