

25.03.2021

Court No.28
Avijit / 120

CRM 1339 of 2021 (through video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Amta Police Station Case No.379 of 2020 dated 18.12.2020 under Sections 341/326/307/506/34 of the Indian Penal Code;

And

In Re : Swarup Ghosh

.... Petitioner

Mr. Mrityunjoy Chatterjee,
Md. G.N. Imrohi,
Sk. Toslim Ali,
Mr. Susnigdho Bhattacharya,
Mr. Debabrata Majumder

...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Zareen N. Khan,
Ms. Sreeparna Das

...for the State

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there was a dispute pertaining to possession of a land among the parties. The petitioner has been falsely implicated in the alleged offence. Upon completion of investigation chargesheet has also been filed and as such further detention of the petitioner, who is in custody for about 100 days, is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical report and the statement of the victim as recorded under Section 161 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials in the case diary, the medical report and the extent of complicity of the petitioner in the alleged offence, we are of the

opinion that further detention of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that the petitioner, namely **Swarup Ghosh**, shall be released on bail upon furnishing a bond of 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia and on a further condition that the petitioner shall reside outside the jurisdiction of Amta Police Station and shall inform the Officer-in-Charge, Amta Police Station, the address where he would be residing.

The petitioner shall not enter the jurisdiction of Amta Police Station save and except on the dates specified for hearing before the learned Trial Court and for meeting the Officer-in-Charge, Amta Police Station once a week until further orders on and from 8th April, 2021. While on bail, the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. It is also made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail being C.R.M. No.1339 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)