

25.03.2021
p.b.
S.L. No.127

CRM 1353 of 2021

In re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bhimpur Police Station Case No.267 of 2000 dated 25.10.2020 under Sections 341/325/326/307/34 of the Indian Penal Code.

In re: Nagen @ Nagendranath Ghosh

.....Petitioner

Ms. Karabi Roy.

.....for the petitioner.

Mr. Rudradipta Nandy.

.....for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and no overt act has been attributed to the petitioner. Two sons of the petitioner are already in custody. The petitioner is about 72 years of age. Upon completion of investigation, charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for about 144 days, is not necessary.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of eye-witnesses recorded under Section 164 of the Code and the *post mortem* report.

We have heard the learned advocates for the respective parties and considered the materials in the case diary. In view of the nature of allegations levelled

and considering that the petitioner is aged about 72 years, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, Krishnagar subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on a further condition that the petitioner, while on bail, shall meet the Officer-in-Charge of Bhimpur Police Station once a week until further orders.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without reference to this Court.

The application for bail being CRM 1353 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.) (Tapabrata Chakraborty, J.)

