

**24.06.2021**

**(Via Video Conference)**

Court No. 28  
Item No. PB-20  
nandy/seth

**CRM 1899 of 2021**

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 18.02.2021 in connection with Krishnaganj Police Station Case No. 274 of 2020 dated 19.12.2020 under Sections 341/326/307/379/34 of the Indian Penal Code.

and

In the matter of: **Shyamapada Biswas**

..... Petitioner

**Mr. Suranjan Mondal, Advocate**

**Ms. Mousumi Biswas, Advocate**

.....for the Petitioner

**Ms. Zarin N. Khan, Advocate**

**Mr. Bitosok Banerjee, Advocate**

**Ms. Sriparna Das, Advocate**

..... for the State

The petitioner has filed the instant application for bail in connection with Krishnaganj Police Station Case No. 274 of 2020 dated 19.12.2020 under Sections 341/326/307/379/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is in custody for 165 days. It is further submitted that another co-accused namely, Nimai Biswas @ Sannyasi Biswas had already been granted anticipatory bail on March 12, 2021 by a coordinate Bench comprising of Tapabrata Chakraborty & Tirthankar Ghosh, J,J..

On the other hand, learned Advocate for the State submits that he has no instruction that the said co-accused has been granted anticipatory bail. However, he submits that the name of the petitioner has been specifically disclosed in a statement recorded under Section 161 of the Code of Criminal Procedure by the de facto complainant.

After hearing the respective counsel and on perusal of the materials available on record, we find that the statement of the injured recorded under Section 161 of the Code of Criminal Procedure reveals the name of the petitioner as well as the other co-accused i.e. Nimai

Biswas @ Sannyasi Biswas, both stand on the same footing. In view of the commonality of the allegations made therein and since the other co-accused namely Nimai Biswas @ Sannyasi Biswas, had already been granted anticipatory bail, we do not find any justification in refusing bail to the petitioner.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner (**Shyamapada Biswas**) is 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 Chief Judicial Magistrate, Krishnanagar, Naida subject to condition that the said petitioner shall not leave the jurisdiction of the concerned police station without prior leave of the concerned Court and shall appear before the trial Court on every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever, as violation of any such condition may disentitle the petitioner to the privilege of bail granted by this Court.

The application being **CRM 1899 of 2021** accordingly **disposed of**.

**(Harish Tandon, J.)**

**(Subhasis Dasgupta, J.)**