

03.06.2021

Court No.28
rpan / 30

CRM 1904 of 2021

(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Sujoy Ghosh @ Babusona Ghosh @ Sujoy Ghosh**
Petitioner.

Mr. Prabir Majumder

... for the Petitioner.

Mr. Rana Mukherjee,

Ms. Sujata Das

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Dhubulia Police Station Case No. 248 of 2019 dated 13.10.2019 under Sections 341/326/307/302/34 of the Indian Penal Code.

Mr. Majumder, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated. His name does not feature in the FIR. No overt act has been attributed to the petitioner. Co-accused persons, similarly situated with the petitioner, have already been enlarged on bail. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 181 days, is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner was initially absconding and ultimately was arrested on 7th

December, 2020 and he is not similarly situated with the co-accused persons, who have been enlarged on bail.

Heard the learned advocates and considered the materials in the case diary.

It appears that the allegations are omnibus in nature and similarly situated accused persons have already been enlarged on bail and since upon completion of investigation charge sheet has already been filed, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that the petitioner, namely, **Sujoy Ghosh @ Babusona Ghosh @ Sujoy 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 Chief Judicial Magistrate, Nadia at Krishnagar and on further conditions that the petitioner shall meet with the Officer-in-Charge of Dhubulia Police Station once a week on and from 8th June, 2021 until further orders and shall also attend the trial court on the dates as specified for hearing.

It is 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 his bail, in accordance with law, without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 1904 of 2021, is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)