

(Via Video Conference)

CRM 2172 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ranaghat Police Station** Case No. **100 of 2020** dated **28.05.2020** under Section **302** of the Indian Penal Code.

- A n d -

In the matter of : Sukanta Roy

.... Petitioner.

Mrs. Minoti Gomes

... For the Petitioner.

Mr. N. Ahmed

Mrs. Amita Gaur

... For the State.

The petitioner is in custody for 444 days and renews his prayer for bail. His prayer for bail was lastly rejected by a coordinate bench of this Court vide order dated December 2, 2020 in CRM 9428 of 2020.

It is submitted on behalf of the petitioner that the petitioner suffered injuries while chopping off branches of a tree after a storm. He has no connection with the alleged death of the victim. Co-accused standing on the same footing as the petitioner has been granted bail by a coordinate bench of this Court.

The State produces the case diary including the statements of witnesses under Sections 161/164 of the Code of Criminal Procedure. We are informed that charge sheet has been submitted.

We have considered the material in the case diary. A co-accused person similarly circumstanced as the petitioner has been granted bail by a coordinate Bench of this Court earlier. Charge sheet has been submitted and in view of the period of detention suffered by the petitioner and also considering the material available in the case diary and as a similarly circumstanced co-accused has been granted bail earlier, we are inclined to hold that further detention of the petitioner may not be necessary and his prayer may be acceded to.

Accordingly, we direct that the petitioner shall be 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)