

01.07.2021

(Via Video Conference)

Court No. 28
Item No. PB-89
nandy/adas

CRM 3131 of 2021

(bail - allowed)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.04.2021 in connection with Singur Police Station Case No. 221 of 2019 dated 31.07.2019 under Sections 302/34 of the Indian Penal Code.

and

In the matter of: Gopal Singh

..... Petitioner

Mr. Sujan Chatterjee, Advocate

Mr. Partha Sarkar, Advocate

..... for the Petitioner

Mr. Swapan Banerjee, Advocate

Ms. Purnima Ghosh, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Singur Police Station Case No. 221 of 2019 dated 31.07.2019 under Sections 302/34 of the Indian Penal Code.

We are urged to decide the instant application renewing the prayer for bail what has been rejected on earlier occasions, lastly on September 18, 2020 in CRM 6886 of 2020.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case as nothing has been recovered from the petitioner within the meaning of incriminating weapon with which the offence was committed. It is also stated that chargesheet in this case has already been submitted and some co-accused are now on bail. Further detention, according to the petitioner is unnecessary at the moment.

Learned Advocate for the State acceding to the stand of the

learned Advocate for the petitioner submits that the petitioner is similarly circumstanced with Kalyan Murmu and Tariq Ajij, who have been granted bail by this Court on June 29, 2021 and June 10, 2020.

True it is that the petitioner is languishing in custody for about 700 days. There is no recovery of the offending weapon. The prosecution has emphasised upon the statement of so-called two witnesses shown at pages 17 and 18 of the case docket.

Considering the submission of both sides and upon consideration of the statements of the so-called eyewitnesses, it appears that the co-accused persons have already been favoured with bail. Since this petitioner is similarly circumstanced, and since the investigation has already ended in charge-sheet long before, we do not want to discriminate the petitioner giving a similar decision already rendered in order dated September 18, 2020 in CRM 6886 of 2020. We find justification to extend the privilege of bail to petitioner treating parity with co-accused persons, already on bail.

As such, the prayer for bail is allowed.

Accordingly, the petitioner shall be released on bail on the following conditions:-

i) The petitioner shall furnish 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, Chandannagar, Hooghly;

ii) The petitioner shall appear before the trial Court on every date of hearing until further order;

iii) The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever;

iv) In the event the petitioner fails to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to pass appropriate order, without any reference to this Court.

The application being CRM 3131 of 2021 accordingly disposed of.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)