

17.06.2021

Court No.28
Item No.63

Akd
&
Ab

CRM 3383 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Santipur Station Case No. 25 of 2020, dated 14.01.2020 under Sections 302/120B of the Indian Penal Code.

And

In the matter of : **Sadhan Ray @ Jharu.**

...Petitioner

Mr. Souvik Mitter,
Mr. Liton Mitra,
Ms. Rajnandini Das.

...For the Petitioner

Mr. N. Ahmed,
Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...For the State.

This matter has been taken up out of turn as it is connected with CRM 1987 of 2021.

Learned Advocate for the petitioner submits that he is in custody for three months in connection with the aforesaid case. It is further submitted that the other co-accused stand on the same footing had already been enlarged on bail and some of them got the anticipatory bail and the order granting anticipatory bail was assailed before the Supreme Court, which was subsequently rejected.

Learned Advocate for the State though opposes the prayer for bail, but fairly submits that the petitioner stands on the same footing that of the other co-accused, i.e. Dipankar Chatterjee @ Chattopadhyay.

After hearing the respective submissions and upon perusal of the orders passed by this Court as well as the Supreme Court in connection with the proceeding pertaining to the co-accused, we find that the State initially challenged the order granting anticipatory bail to one of the co-accused by filling a Special Leave Petition before the Supreme Court being Special Leave to Appeal (Criminal) No. 2654 of 2021. By an order dated 5th April, 2021 the Apex Court disposed of the aforesaid Special Leave Petition without interfering with the order

granting anticipatory bail, but with specific observation that whatever has been observed in the said order is mere tentative and the formation of the prima facie opinion and have no impact at the time of trial.

Since the petitioner stands on the same footing that of the other co-accused, who have already been enlarged on bail, we do not find any justification in rejecting the prayer of the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

We thus enlarge the petitioner, **Sadhan Ray @ Jharu**, on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat subject to the condition that he will meet the Officer-in-Charge of Santipur Police Station once in a week until further orders and on further condition that he shall not leave the territorial jurisdiction of the said police station without the leave of the Court or the Magistrate, as the case may be. Apart from the same, the petitioner shall make himself available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle him to the privilege of bail granted by this Court without further reference to this Court.

The application for bail, being CRM 3383 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)