

3.
27-07-2021
(ct. no.32)
debajyoti

CRM 3703 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lake Police Station Case No.201 of 2019 dated 28-10-2019 under Section 394 of the Indian Penal Code, presently under Sections 394/397 of the Indian Penal Code.

- A n d -

In the matter of : Dinesh Sharma @ Sanu

.... Petitioner.

Mr. Kajal Mukherjee,
Mr. Manoj Kurmi,
Mr. Bikash Chakraborty,
Mr. Surajit Basu

... For the Petitioner.

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

... For the State.

The petitioner renews his prayer for bail after such prayer was rejected by an order of this Court on 23-04-2020 in CRM 3262 of 2020.

It is submitted on behalf of the petitioner that out of the four persons accused of the alleged offence, three have been granted bail and it is only the petitioner who is still languishing in custody. Though charge-sheet has been submitted, chances of commencement of trial are bleak. Further detention of the petitioner is not required.

The State opposes the prayer for bail and submits that the petitioner has been identified in TI Parade and the offending weapon had been recovered from his possession.

It transpires from the material available before us that out of the four accused persons, three have been granted bail earlier. The petitioner is in custody for more than a year. Some of the co-accused, who are on bail, stand on the same

footing as the petitioner. Charge has not yet been framed and chances of commencement of trial in near future are bleak. In the circumstances, we are inclined to hold that further detention of the petitioner is not required and he may be released on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Alipore. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM 3703 of 2021 is, thus, **allowed**.

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

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**