

45. 27.07.2021
Ct.32
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C.R.M. 3847 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **01.06.2021** in connection with **Palashipara Police Station Case No. 79 of 2020** dated **20.04.2020** under Sections **341/447/325/326/307/34/302** of the Indian Penal Code.

And

In the matter of: - **Amit Biswas.**

....petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,
Mr. Saryati Dutta,
Mr. Antarikhya Basu

...for the petitioner.

Mr. Neguive Ahmed, A.P.P.,
Mr. Anwar Hossain,
Ms. Amita Gaur

...for the State.

The petitioner seeks parity with two other accused persons, namely, Lalmohan Biswas @ Laltu Biswas and Bharat Biswas @ Tela, who were granted bail by a co-ordinate Bench of this Court on April 8, 2021 in C.R.M. 9149 of 2020.

Learned Senior Counsel submits that the petitioner stands on the same footing as the said accused persons as offending weapons were recovered from the houses of all three of them while they were in Police custody. Learned Senior Counsel also draws the attention of the Court to the earlier orders rejecting the bail prayer of the petitioner.

Learned Counsel for the State vehemently opposes the prayer for bail and submits that bail prayer of the petitioner was rejected by a co-ordinate Bench as recently as on April 8, 2021 and recovery of the offending weapon was made from the house of the petitioner only.

We have considered the material in the Case Diary. True, prayer for bail of the petitioner was rejected by a co-ordinate Bench of this Court on August 25, 2020. It appears from the Case Diary that the offending weapons were recovered from the houses of the petitioner and two other accused persons while they were in Police custody and the other two accused persons were granted bail by a co-ordinate Bench on April 8, 2021. The petitioner, in our considered view, stands on the same footing as the co-accused who have been granted bail earlier.

Considering the facts and circumstances of the case as well as the material on record and also the period of detention of the petitioner, i.e., 462 days and as charge-sheet has been submitted upon completion of investigation, we are inclined to hold that further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we allow the petitioner's prayer for bail. 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 learned Additional Chief Judicial Magistrate, Tehatta, Nadia on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in every ten days until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper

with evidence in any manner whatsoever and shall not commit similar offence in future.

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 being C.R.M. 3847 of 2021 is, accordingly, disposed of.

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.)