

CRM 4467 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gobardanga Police Station** Case No. **209 of 2019** dated **04.11.2019** under Sections **302/201/34** of the Indian Penal Code.

- A n d -

In the matter of : Chanchal Pramanik

.... Petitioner.

Mr. A. Chakraborty,
Mr. S. S. Saha,

... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta,
Mr. B. Banerjee,

... For the State.

The petitioner is in custody for about 1 year 10 months and prays for bail. The petitioner submits that he has been falsely implicated. A co-accused person standing on the same footing has been granted bail by a coordinate Bench of this Court by an order dated March 5, 2020 passed in CRM 2403 of 2020.

The State opposes the prayer for bail and submits that a mobile phone belonging to the victim was recovered pursuant to statement of the petitioner. It was the petitioner who called the victim from his house on the day prior to the occurrence of the alleged incident.

We have perused the material in the case diary. Personal belongings of the victim were recovered from the petitioner as well as the co-accused who was enlarged on bail earlier. The said co-accused appears to be similarly

circumstanced with the present petitioner. Charge sheet has been submitted. The petitioner is in custody for 1 year and 10 months. Considering the facts and circumstances, the nature and gravity of the offence and also that charge sheet has been submitted and a co-accused similarly circumstanced with the petitioner has been granted bail, we are inclined to hold that further custodial detention of the petitioner is not 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 Chief Judicial Magistrate, Barasat, North 24 Parganas 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.)