

CRM 4575 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nandigram Police Station** Case No. **261 of 2007** dated **17.11.2007** under Sections **147/148/149/364/326/307/367/368/342/302/201/120B** of the Indian Penal Code and under Sections 25/27/35 of the Arms Act.

- A n d -

In the matter of : Nirmal Kar @ Sankar Kar

.... Petitioner.

Mr. K. Acharya,
Mr. M. Ranjan Das,

... For the Petitioner.

Mr. M. Sur, Ld. APP
Mr. D. Pramanik,

... For the State.

The petitioner says that the case was registered in 2007. 81 persons out of about 87 accused persons are on bail. This is a political matter. No specific overt act is attributed to the petitioner. He is in custody for about 112 days. He says that he is on the same footing as most of the other accused persons who have been enlarged on bail. He prays for bail.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have ascertained from the State that recording of evidence has not yet begun. There are several witnesses. There is little likelihood that the trial will commence or conclude at an early date. Charge sheet has been submitted.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that no

useful purpose will be served by continuing to detain the petitioner in custody.

Accordingly, we direct that the petitioner, namely, **Nirmal Kar @ Sankar Kar** 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 Additional Chief Judicial Magistrate, Haldia, Purba Medinipur and on further conditions that he will not commit any cognizable offence and shall not leave the jurisdiction of concerned police station and shall report to the Officer-in-Charge of the concerned police station once in every 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.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**