

19. 19.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4790 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **16/07/2021** in connection with **Kalyani Police Station Case No. 336/14** dated **03/07/2014** under Sections **363/366A/379/411/34** of the Indian Penal Code read with Sections **25(1)(a)/27** of the Arms Act.

And

In the matter of: - **Tanmay Karmakar @ Tonmay @ Gopal**

....petitioner.

Mr. Arindam Jana,
Mr. Sumanta Das

...for the petitioner.

Mr. Neguive Ahmed, Ld. A.P.P.,
Mr. Binoy Kumar Panda

...for the State.

The petitioner says that he is in custody for about 7 years and 3 months. The allegation against him is kidnapping for ransom.

The petitioner says that the victim was recovered from the house of one Mohit Mollah who was enlarged on bail by this Court by an order dated December 10, 2014 passed in C.R.M. 16771 of 2014. On the basis of statement of Mohit Mollah, the petitioner has been implicated.

Learned Counsel for the State disputes the submission made on behalf of the petitioner. Learned Counsel says that the ATM card of the victim was recovered from the petitioner.

Trial is in progress. However, we are told that only 3 out of 18 witnesses have been examined. The petitioner has been in custody for a very long period of time.

Considering the facts and circumstances of the case and the very long period that the petitioner has been in custody, we are inclined to allow the petitioner's prayer for bail.

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 learned Additional Chief Judicial Magistrate, Kalyani, Nadia, on condition that the petitioner shall appear before the trial Court on every date of hearing. He shall not leave the district without leave of the Court Below. He shall not enter into the jurisdiction of Kalyani Police Station except for attending Court proceedings and shall furnish the address where he shall presently reside before the Officer-in-Charge of the concerned Police Station and shall report to such Officer once every week until further orders. The petitioner shall not 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. 4790 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)