

CRM 5296 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Pintu Ghosh

.....Petitioner

Ms. Pronoti Goswami

.....for the Petitioner

Mr. Neguive Ahmed, Ld. APP

Ms. Amrita Gour

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nakashipara P.S. Case No. 255/2020 dated 08.06.2020 under sections 447/326/354/302/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner, co-accused persons against whom specific allegations were levelled, had already been granted bail by the learned Court below. There is also no possibility towards early conclusion of the trial and as such, further detention of the petitioner, who is in custody since January, 2021, is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the witnesses as recorded under Sections 161 and 164 of the Code of Criminal Procedure.

Heard learned advocates appearing for the respective parties and considering the materials on record. *Prima facie*, no overt act has been attributed to the petitioner. His name also does not feature in the statements of the eye witnesses as recorded under Section 164 of the Code. Co-accused persons whose names are there in the statement of the eye witnesses, have already been enlarged on bail by the learned Court below.

In the said conspectus, we are of the opinion that further detention of the petitioner is not warranted, more so when upon completion of investigation, chargesheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Pintu Ghosh**, 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 a local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, on further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 5296 of 2021, is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)