

27.10.2021

CRM 5667 of 2021

Court No.8
Item No.6
(ALLOWED)

Saswata/Ab

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 25.08.2021 in connection with Kotwali Police Station Case No. 619 of 2018 dated 05.12.2018 under Sections 394/302/379 of the Indian Penal Code and Sections 25/27 of the Arms Act;

And

In the matter of : **Sanjoy Thander @ Pandit.**
...Petitioner

Mr. Souvik Mitter,
Mr. Kalyan Kumar Bhattacharjee.

...For the Petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.

... For the State

Learned Counsel for the petitioner contends that the petitioner is already in custody for about 2 years and 10 months. It is further submitted that two of the co accused were already enlarged on bail previously.

Since the trial of the case is being delayed indefinitely, it is contended that the petitioner may be enlarged on bail on terms.

Learned Counsel for the State opposes such contention and submits that the co accused persons who were released on bail, were on a lesser footing, as far as the allegations were concerned, inasmuch as arms were recovered from the petitioner as opposed to the said co-accused.

However, we find from the records that although there is prima facie material to continue with the trial of the case as against the petitioner as well, keeping in view the fact that the petitioner has already been in custody for 2 years and the trial is continuing for a prolonged period, we are of the opinion that the petitioner ought to

be enlarged on bail.

Accordingly, CRM 5667 of 2021 is allowed, thereby granting bail to the petitioner on the following conditions:-

- The petitioner shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia;
- The petitioner shall not make out any inducement, threat or promise to any person having direct knowledge of the incident so as to dissuade such person from disclosing the fact before any police officer or Court of Law and/or tamper evidence in the meantime;
- The petitioner shall attend every date of trial till conclusion of the same and shall not leave the territorial jurisdiction of the Trial Court during pendency of the case in the Court below;
- The petitioner shall also meet the Officer-in-charge of Kotwali police station once in a month until further orders.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon completion of requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rabindranath Samanta, J.)

