

22.09.2021

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Ct. No. 29
sdas
Allowed

**C.R.M. 6208 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 164 of 2018 dated 24.05.2018 under Sections 302/34/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Roopkumar Biswas petitioner

Mr. Sayan De
Mr. Birhason Bhattacharya
Mr. Sayan Kanjilal
.....for the petitioner

Mr. Madhusudan Sur, learned A.P.P.
Mr. Dipankar Paramanick
....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner stands on the better footing than the co-accused persons who were granted bail by the co-ordinate Benches of this Court. He also submits that in respect of an incident of political violence of Panchayet Election of 2018 the First Information Report was lodged. First report of the police was challenged by the defacto complainant whereupon an order of reinvestigation was passed. The petitioner was not charge-sheeted in the first report. In the second report of the police also the petitioner did not figure. On the order of the investigation made by the jurisdictional court the police submitted third charge-sheet in which the petitioner was

named. He submits that out of thirteen accused persons in the third charge-sheet, five accused persons were granted bail by the co-ordinate Benches of this Court and four accused persons were granted bail by the jurisdictional court and two accused persons are absconding.

Learned advocate appearing for the State draws the attention of the Court to the contents of the statements recorded under Section 164 of the Code of Criminal Procedure.

Considering the statements recorded under Section 164 of the Code of Criminal Procedure and considering that the petitioner can claim parity with the other co-accused persons who were granted bail by the co-ordinate Benches of this Court as well as by the jurisdictional court and considering the fact that the police submitted charge-sheet, we are inclined to grant bail to the petitioner.

Accordingly we direct that 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty

to cancel bail of the petitioner automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)