

09.11.2021
Sl. No.23
akd
[ALLOWED]

C. R. M. 7087 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Chakdaha Police Station Case No. 385 of 2020 dated 31.12.2020 under Sections 448/326/506/307/34 of the Indian Penal Code.

And

In Re: **Bapi Biswas**

... .. Petitioner

Mr. Amanul Islam
Mr. Sourav Mukherjee

... .. for the petitioner

Md. Anwar Hossain
Mr. Ashok Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 311 days. It is further submitted that trial has not commenced.

Learned advocate appearing for the State opposes the prayer for bail.

Having considered the facts and circumstances of the case and balancing the gravity of the offence on one hand with the protracted period of detention suffered by the petitioner on the other hand and as trial has not commenced as yet, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Bapi Biswas**, 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, Kalyani, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)