

24.12.2021

Court No.32
rpan/16

CRM 7833 of 2021

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

And

In Re : **Biswajit Biswas @ Biswa & Anr.**

- Petitioners

Mr. Shibaji Kumar Das

... for the Petitioners.

Mr. Binay Panda,

Mr. Subham Bhakat

... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Santipur Police Station Case no.409 of 2021 dated 23.06.2021 under Sections 379/411/413/414/34 of the Indian Penal Code, 1860.

Mr. Das, learned advocate appearing for the petitioners submits that subsequent to dismissal of the petitioners' earlier prayer for bail on 2nd November, 2021, the principal accused, namely, Bharat Das @ Bhorat, has already been granted bail by a coordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioners, who are in custody for more than 180 days, is not required.

Mr. Bhakat, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the seizure list and the statements of the witnesses.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Upon assessment of the role of the petitioners, it appears that the extent of their complicity is similar to that of one Bharat Das @ Bhorat, who has already been enlarged on bail. In view thereof, we are of the opinion that further detention of the petitioners is not warranted, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioners, namely, **Biswajit Biswas @ Biswa** and **Tarak Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, on condition that the petitioners shall not leave the jurisdiction of Santipur Police Station, save and except for attending the Trial Court on the dates specified for hearing until further orders.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7833 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)