

29.06.2021
Court No.30
Item No. 72
Krishnendu
Bail Granted

CRM 10486 of 2020
(Via video Conference)

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

And

In Re : **Sanatan Bhuiya**

Petitioner

Mr. Kallol Mondal

Mr. Souvik Das

For the Petitioner

Mr. Swapan Banerjee

Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sankrail Police Station Case No. 373 of 2019 dated 14.05.2019 under sections 302/120B of the Indian Penal Code, 1860.

Mr. Mondal, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated. He had no role in the alleged incident, which occurred on 13th May, 2019. In support of such contention, he has drawn the attention of this Court to the statement of an eye witness, namely, Sanjoy Khanra and also the statements of the mother of the victim, namely, Manu Das and the minor daughter of the victim, namely, Tithi Das, as recorded under section 164 of the Code of Criminal Procedure.

Drawing the attention of this Court to the T.I. Parade report of Tithi Das, Mr. Mondal submits that the petitioner herein was not identified by her. The petitioner has also not been identified by Sanjoy Khanra and

Manu Das. Thus, the petitioner had no involvement in the alleged offence. He further submits that the petitioner is in custody for more than 779 days and there is also no possibility towards early conclusion of the trial.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer for bail and draws our attention to several documents in the case diary, including the post-mortem report and the statement of an eye-witness, namely, Keya Santra, as recorded under section 161 of the Code of Criminal Procedure. He further submits that Keya Santra had categorically stated that sleeping pills were collected from the petitioner herein.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, it appears that though the minor daughter of the victim had stated that there were three suspects, she identified only one Sambhu and one Sujoy, as the alleged assailants. There are discrepancies in the statements of the eye-witnesses. The petitioner had also not been identified in the T.I. Parade by Sanjoy Khanra and Manu Das.

In the said conspectus and considering the fact that there is no possibility towards early conclusion of the trial, we are of the opinion that further detention of the petitioner, who is in custody for more than 779 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sanatan Bhuiya**, 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, Howrah and on further conditions that the petitioner shall attend the learned trial court on all the dates, as fixed 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 the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 10486 of 2020, is disposed of.

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

(Suvra Ghosh, J)

(Tapabrata Chakraborty, J)