

23.02.2021
Court No.28
rpan / 14

**CRM 10931 of 2020
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhagwanpur Police Station Case No.47 of 2018 dated 24.02.2018 under Sections 147/148/149/325/326/302/120(B) of the Indian Penal Code.

And

In Re : **Bisha Barai @ Biswanath Barai**

...Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Aniket Mitra,
Sk. Sahjahan Ali

... for the petitioner.

Mr. Rana Mukherjee,
Mr. Suman Saha

... for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. No overt act has been attributed to the petitioner. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for about 360 days, is not necessary. Drawing the attention of this Court to the order dated 20th October, 2020 passed in bail application in CRM 8142 of 2020 preferred by the petitioner, Mr. Chatterjee submits that in spite of a specific direction towards conclusion of trial as expeditiously as possible, the trial has not proceeded substantially. He further submits that the FIR was lodged against 78 persons out of whom nineteen have already been granted bail and he is similarly situated with one Sujon

Dolai, who has also been enlarged by a co-ordinate Bench of this Court.

Mr. Mukherjee, learned advocate appearing on behalf of the State opposes the petitioner's prayer and submits that the petitioner's prayer for bail was rejected four times earlier. He was absconding for a period of two years and his name features in the FIR. In the said conspectus, the petitioner's prayer needs to be refused.

We have perused the materials in the case diary and the 161 statements of eyewitnesses. *Prima facie*, no overt act has been attributed to the petitioner. Furthermore, one Sujon Dolai, who happens to be similarly situated with the petitioner, has already been granted bail by a co-ordinate Bench of this Court. In the said conspectus, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, we direct that the petitioner, namely, **Bisha Barai @ Biswanath Barai** shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur subject to a further condition that the petitioner shall appear before the trial court on the dates specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is also made clear that in the event the petitioner fails to comply with the conditions, as stated hereinabove, without any

justifiable reasons, it would be open to the learned Trial Court to cancel the petitioner's bail without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 10931 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.

(Tirthankar Ghosh, J.) (Tapabrata Chakraborty, J.)