

CRM (DB) 235 of 2022

(via video conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Sudam Biswas**

..... petitioner

Mr. Angshuman Chakraborty

.....For the petitioner

Mr. Neguive Ahmed, Ld. APP

Ms. Trina Mitra

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Habra Police Station Case No. 202/20 dated 03.05.2020 under Section 302 of the Indian Penal Code.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. One co-accused person, namely, Biplab Halder, has already been granted bail by this Court on 10th January, 2022. Upon completion of investigation, charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for about 631 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned Additional Public Prosecutor appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the seizure list. The petitioner's prayer

was also rejected earlier on two occasions. In the said conspectus, the petitioner is not entitled to the relief, as prayed for.

Considering the materials in the case diary, it *prima facie* appears that the role assigned to the petitioner is similar to that of one Biplab Halder, who has already been enlarged on bail. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who has already suffered incarceration for about 631 days, is not necessary.

Accordingly, we allow the bail to the petitioner, namely, **Sudam Biswas** on furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat and with further condition that the petitioner shall not leave the jurisdiction of Habra Police Station until further orders. He shall intimate the address where he would be residing to the Officer-in-Charge, Habra Police Station immediately.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court below shall be at liberty to cancel his

bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (DB) 235 of 2022, 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.)