

10.06.2022.
74.
Ct.No.28
as
(Allowed).

C.R.M. (DB) 1588 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail P. S. Case No.373 of 2019 dated 14.05.2019 under Sections 302/120B of the Indian Penal Code and charge sheet submitted under Sections 302/120B of the Indian Penal Code.

In the matter of : Sambhu Bhuiya @ Sambhu Bhunia @
Sambhu Bhuiya.

... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Ms. Paromita Mukherjee,
Ms. Moumita Pandit,
Ms. Nandini Chatterjee,
Mr. Nazir Ahmed,
Ms. Saysree Patra,
Mr. S. Koley.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted the principal witness viz., the de-facto complainant has not been able to identify him in court.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the trial is in progress.

We have considered the materials on record and keeping in mind the nature of allegations in the light of the development in trial wherein the principal witness viz., the

de-facto complainant has not identified the petitioner in court, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail subject to strict conditions.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Sankrail Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

