

26.07.2022
cm/ct 28
sl no. 13

C.R.M. (DB) No. 2296 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Binpur P.S Case No. 12 of 2010** dated **15.02.2010** under Sections **121/121A/122/124A** read with Section **120B** of the Indian Penal Code under Sections **20/16(1)(a)/16(1)(b)/18/38/39** of the Unlawful Activities (Prevention) Act, 1967 and under Section **3 /4** of the Explosive Substances Act and under Section **25(1)(b)** of the Arms Act and Section **302** read with Section **120B** of the Indian Penal Code

And

Allowed

In Re : Bishnupada Soren @ Bishnu @ Rimli
..... petitioner

Mr. Soumyajit Das Mahapatra
..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty for the State

Petitioner is in custody for 11 years and four months. It is submitted co-accuseds similar circumstanced with the petitioner have been enlarged on bail in CRM 3626 of 2019, CRM 374 of 2020, CRM 6233 of 2021, CRM(DB) 1321 of 2022 and CRM(DB) 2050 of 2022.

Learned lawyer for the State submits 24 Eastern Rifle personnel were murdered.

We have considered the materials on record. Allegations are very grave. However, petitioners have suffered detention for about 12 years. Further under-trial detention would infract his fundamental right under Article 21 of the Constitution of India. On similar grounds co-accuseds have been enlarged on bail in CRM 3626 of 2019, CRM 374 of 2020, CRM 6233 of 2021, CRM(DB) 1321 of 2022 and CRM(DB) 2050 of 2022.

Under such circumstances and for the reasons recorded in CRM 3626 of 2019, CRM 374 of 2020, CRM 6233 of 2021,

CRM(DB) 1321 of 2022 and CRM(DB) 2050 of 2022, we are inclined to grant bail to the petitioner on similar conditions.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned CJM, Paschim Medinipore, on condition while on bail petitioner shall remain within the jurisdiction of Salboni police station and shall report to officer-in-charge Salboni police station once in a week. He shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) No.2296 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)