

15.07.2022
Item No.27
Court No.28
CHC
Allowed

CRM (DB) 2328 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bagdah Police Station Case No. 424 of 2022 dated 8th of June, 2022 under Sections 143/186/333/353/188/307/341/290/120B of the Indian Penal Code and under Section 9 of the West Bengal Maintenance of Public Order Act and under Section 3 of the Prevention of Damage to Public Property Act.

-And-

In the matter of : **Prosenjit Biswas & ors.**

... .. Petitioners

Mr. Arnab Chatterjee, Advocate
Ms. Dhanasree Biswas, Advocate

... .. For the Petitioners

Mr. Swapan Banerjee, Advocate
Mr. Anindya Sundar Chatterjee, Advocate

... ...For the State

It is submitted by the petitioners that they are in custody for about 35 days.

It is further submitted that an altercation took place in the locality over inaction of police with regard to murder of a boy in the locality. It is also submitted that petitioners have been falsely implicated in the instant case.

Learned advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though statements of witnesses state the petitioners were present as members of the group, allegations levelled against them are general and omnibus in nature. Injuries suffered by police personal are minor. Keeping in mind the aforesaid facts and period of detention suffered by the petitioners, we are of the opinion further detention of the accused/petitioners are not necessary.

Therefore, the accused/petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas subject to condition that the said

petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this Court.

The application for bail, thus, stands allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)