

10.08.2022
tkm/ct 28
sl no. 45

C.R.M. (DB) 2697 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kharagpur Local P.S case no. 976 of 2021 dated 27.12.2021 under sections 302/201/379/478/411/414/120B of the IPC
and

Allowed

In Re : Sandip Jaiswal petitioner

Mr. Somnath Banerjee
Mr. S Das
Mr. P Roy

..... for the petitioner

Mr. M Sur
Mr. D Paramanick

..... for the State

Petitioner is in custody for 210 days. It is contended there is no material connecting the petitioner with the conspiracy to commit murder of the driver of the vehicle carrying stolen articles. Co-accuseds have been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail. He relies on statement of one Nilkanta Patra and Lakhikanta Patra recorded in the course of further investigation. He also contends that the vehicle containing stolen articles were brought to the godown of the petitioner. He is a habitual dealer of stolen articles.

We have considered materials on record. There are materials to show that the petitioner had received the stolen articles. However, in the course of initial investigation which culminated in charge sheet in April 2022 no material was forthcoming with regard to involvement of the petitioner in the conspiracy to commit murder. Seven months after the incident, statements of Nilkanta Patra and Lakhikanta Patra have been recorded. These witnesses stated they over-heard conversations between the petitioner and other conspirators for theft of granules and murder of the driver if necessary. Credibility of such belated statements recorded during further investigation requires to be assessed in the course of trial. Mere recovery of stolen articles *per se* would not implicate the petitioner in the murder.

In view of the nature of evidence collected against the petitioner, period of detention suffered by him and as co-accuseds have been enlarged on bail, we are inclined to grant bail to the petitioner, however, subject to conditions.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, Paschim Medinipur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Kharagpur Local P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where she shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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) 2697 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)