

08.09.2022
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allowed

CRM(DB) No. 3051 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 290 of 2019 dated 10.10.2019 under Sections 341/323/325/504/506/354/379/34 of the Indian Penal Code adding Sections 307/354B of the Indian Penal Code.

And

In Re : Lakshikanta Jana petitioner

Mr. Niladri Sekhar Ghosh
Ms. Srimoyee Mukherjee
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

.....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. Santanu Deb Roy

..... for the State

Mr. Surav Chatterjee

..... for de facto complainant

Learned Counsel for the petitioner submits he is in custody for 37 days. It is also submitted that due to ignorance petitioner failed to comply with the conditions of pre-arrest bail granted by this Court in CRM No. 11561 of 2019. Hence, pre-arrest bail was cancelled. Thereafter petitioner surrendered and is in custody. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

Learned Counsel appearing for the de facto complainant opposes prayer for bail and submits petitioner did not surrender within the time stipulated by this Court after cancellation of

anticipatory bail. He also submits prayer has been made for cancellation of regular bail of the co-accuseds.

We have considered materials on record. Pre-arrest bail was granted to the petitioner after considering materials on record. It is contended out of ignorance petitioner did not comply with the conditions of bail. Though petitioner failed to comply with the conditions imposed upon him, there is no allegation that he tampered with evidence or threatened witnesses. Investigation is complete. In view of the aforesaid, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail on strict conditions.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further condition that the petitioner shall not enter the jurisdiction of Khanakul Police Station until further orders except for the purpose of investigation and attending Court proceedings and shall provide the address to the court below as well as to the investigating officer where he shall be presently residing and shall report to the officer-in-charge of the police station within whose jurisdiction he shall 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)