

11.02. 2022

Court No.32

rpan / **21**

C.R.M. 8951 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re.: **Manik Bairagya**

- Petitioner

Mr. Prabir Majumder,
Mr. Snehansu Majumder
... for the Petitioner.

Mr. Neguive Ahmed,
Ms. Amita Gaur
... for the State.

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kaliganj Police Station Case No.276 of 2021 dated 20.05.2021 under Sections 302/34 of the Indian Penal Code, 1860.

Mr. Majumder, learned advocate appearing for the petitioner submits that no specific overt act has been attributed to the petitioner, who is presently 63 years of age and is languishing in custody for more than 267 days. There is also no possibility towards conclusion of the trial in the near future. In the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that the petitioner was present at the place of occurrence. Answering our

query, he submits that that there had been no recovery from this petitioner but the offending weapon was recovered from the other co-accused persons.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, from the statement of an eyewitness, as recorded under Section 164 of the Code, it appears that no specific overt act has been attributed to the petitioner. Considering the nature of accusation, age of the petitioner and the period of detention already suffered by him, we are of the opinion that further detention is not warranted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Manik Bairagya**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar with a further condition that he shall reside outside the jurisdiction of Kaliganj Police Station until further orders, save and except for attending the Trial Court on the dates specified for hearing and he shall also intimate the address where he would be residing to the Officer-in-Charge of Kaliganj Police Station immediately and shall also meet with the Officer-in-Charge of the concerned Police Station where he would be residing once a fortnight until further orders.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

With the aforesaid observations, the application for bail, being C.R.M. 8951 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)