

21.11.2022.
22.
as
(Allowed)

C.R.M. (DB) 3513 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P. S. Case No.32 of 2021 dated 21.01.2021 under Sections 379/411 of the Indian Penal Code and added Sections 413/414 of the Indian Penal Code.

In the matter of : Dipak Biswas.

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for 672 days. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner has criminal antecedents. In support of such submission he submits report.

From the report, it appears petitioner is implicated in another case viz., Gangnapur P.S. Case No.96 of 2013 dated 03.06.2013 under Section 395 of the Indian Penal Code.

However, he is on bail in the said case. In the present case, petitioner is in custody for a protracted period of time and trial has not commenced as yet.

In view of the aforesaid circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail subject to strict conditions.

Accordingly, the petitioner 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 local, to the satisfaction of

the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that he 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Taherpur Police Station except for the purpose of attending court proceeding and shall report to the Officer-in-charge, Taherpur Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)