

VB
12. **17.10.2022**
Ct.28 Tanmoy/TN

Allowed

C.R.M. (DB) 3616 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with **Bhadreswar Police Station Case No. 526 of 2021** dated **06/12/2021** under Sections **420/406/506/34** of the Indian Penal Code (corresponding to G.R. Case No. 1781 of 2021) and subsequently, charge-sheet submitted under Sections **420/406/506/34/467/468/120B** of the Indian Penal Code.

And

In the matter of: - **Asis Chandra Das @ Asis Das**

...petitioner.

Mr. Bitasok Banerjee

...for the petitioner.

Mr. Rudradipta Nandy, Ld. A.P.P.,
Mrs. Sonali Das

...for the State.

We have considered the fact that a co-accused, who appears to be the principal accused in the concerned offence, was enlarged on bail by an order of the Court below on 28th February, 2022. Although, the objection raised on behalf of the State is that the petitioner before us has a direct nexus with the offence and his application was earlier rejected on 22nd June, 2022 by a co-ordinate Bench, we are of the view that the petitioner has already been in custody for 292 days whereas the principal accused was enlarged on bail on the completion of 83 days considering the period of detention undergone by the said accused person.

The learned Additional Public Prosecutor objects to the prayer and submits that the petitioner is also a principal accused in the offence.

We are hence inclined to allow the application for bail *albeit* on stringent conditions.

The petitioner shall accordingly be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of like amount each, one of who shall be local and to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandernagore, Hooghly. The petitioner shall not leave the jurisdiction of the local police station without leave of the Officer-in-Charge of the jurisdictional police station and shall not intimidate witnesses or tamper with evidence. The petitioner shall also make himself available for questioning and further investigation as and when required to do so.

We make it clear that the learned Court below shall be at liberty of cancelling the bail if the petitioner is found to violate any of the conditions above without further reference to this Court.

C.R.M. (DB) 3616 of 2022 is, accordingly, allowed.

(Saugata Bhattacharyya, J.) (Moushumi Bhattacharya, J.)