

31.03.2023
tkm/ct 28
sl no. 67

C.R.M. (DB) 1295 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chittaranjan PS case no. 4 of 2021 dated 17.1.2021 under sections 302/120B/34 IPC
and

Allowed In Re : Gulab Das @ Gulab Kumar Das petitioner

Mr. M Chatterjee

Mr. R Mondal

Mr. D Majumder

..... for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..... for the State

Petitioner is in custody for more than two years. He renews his bail prayer.

Learned lawyer for the State opposes the bail prayer. He submits petitioner along with one Bikash came on a motorcycle and fired at the victim. As a result victim died.

We have considered the materials on record. Petitioner relies on statements of eye-witnesses who had seen the incident. However, none of the eye-witnesses viz. Bhola Bhagat, Atish Banerjee and Ashok Bouri knew the petitioner by name. Subsequently, they came to know petitioner was the assailant. Petitioner was not put up for TI parade for identification by the witnesses during trial.

Keeping in mind the aforesaid facts and as there is hardly any progress in the matter since rejection of bail in May 2022, 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 Bardhaman 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 while on bail shall reside within the district of Paschim Bardhaman and shall not enter the jurisdiction of Chittaranjan P.S until further orders 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) 1295 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)