

25. 01.06.2023
Ct.8 jb/Tanmoy

Allowed

CRM (DB) 2160 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Eco Park Police Station Case No. 21 of 2021 dated 04.02.2021 under Sections 448/506/342/302/34 of the Indian Penal Code, 1860.

And

In the matter of: - **Dilip Ghosh** ...petitioner.

Mr. Susnigdho Bhattacharyya,
Mr. Santi Ranjan Sarkar,
Mr. Subrata Halder,
Ms. Bidisha Chakraborty ...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Ms. Sonali Das ...for the State.

Mr. Susnigdho Bhattacharyya, learned Advocate appearing for the petitioner submits that the petitioner is in custody since February 4, 2021. Learned Counsel for the petitioner submits that out of 18 witnesses as cited by the prosecution, evidence has just commenced and only PW1 has been examined.

Mr. Nandy, learned Advocate appearing for the State opposes the prayer for bail, produces the case diary and draws our attention to the statement recorded under Section 161 of the Code of Criminal Procedure, 1973. He submits that the other accused person, namely, Madhumita Ghosh, who was granted bail, threatened the witnesses and as such another case has been instituted under Section 195A of the Indian Penal Code.

Be that as it may, we have considered the period of detention of the present petitioner as well as his complicity and having regard to the same, we are inclined to allow the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Barasat, North 24-Parganas subject to condition that if on bail, the petitioner would attend the Court on each and every occasion so fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter into the jurisdiction of Eco Park Police Station except for the purposes of attending the Inspector-in-Charge/Officer-in-Charge of the Eco Park Police Station once in a fortnight for a period of one year.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, the learned trial Court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

Pursuant to the earlier direction of this Court, the Investigating Officer of the case is present. His further appearance before this Court is dispensed with.

The application for bail being CRM (DB) 2160 of 2023 is, thus, allowed and disposed of.

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)