

24.11.2023
Sl. 3
Court No.29
Suvayan/
Sourav
(Allowed)

C.R.M. (DB) 2341 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Khejuri** P. S. Case No. **131 of 2009** dated **02.05.2009** under Sections **148/149/457/354/302/376(2)(g)** of the IPC (Corresponding to G.R. Case No. **371 of 2009**).

And

In the matter of: **Bhola Das @ Sougata Das**

....petitioner

Mr. Biswajit Manna

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

1. Heard the learned Counsel for both the parties.
2. It is submitted on behalf of the petitioner that considering the fact that the present petitioner is languishing in J.C. for 273 days the instant application for bail may be considered and favorably.
3. While opposing the prayer for bail learned Counsel for the State draws our attention to the statement of the witnesses as recorded under Section 164 Cr.P.C. as well as the statement of other witnesses as recorded under Section 161 Cr.P.C.
4. On perusal of the entire materials, we find that there is direct allegation as against the present accused petitioner with regard to commission of murder as well as commission of gang rape.
5. However, considering the fact that all other co-accused persons have already been enlarged on bail or anticipatory bail in the meantime and the case before the learned Trial Court has already been committed and keeping in mind that the present accused petitioner's long detention, we are inclined to take a lenient approach.

6. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner, ground of parity and completion of investigation, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 1st Court, Contai, Purba Midnapore in Sessions Case No. 458 of 2023 in connection with G.R. Case No. 371 of 2009 arising out of Khejuri P.S. case No. 131 of 2009 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case including the conditions that i) the petitioner shall appear before the O.C. of the P.S. once in a fortnight till he is discharged from such condition by the learned Trial Court on commencement of trial; ii) the petitioner shall not leave jurisdiction of the Trial Court for a period of 15 days at a time without obtaining prior permission of the Trial Court; iii) the petitioner shall appear in the trial on each date of substantive hearing subject to provision of Section 317 Cr.P.C. on valid and cogent ground.
7. It is needless to mention here that on violation of any of the condition, the learned Trial Court shall have jurisdiction to cancel the bail after hearing the parties on proper petition being filed.
8. Accordingly, the prayer for bail of the petitioner is allowed.
9. CRM (DB) 2341 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)