

11.07.2023.
50.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2461 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P. S. Case No.415 of 2018 dated 14.05.2018 under Sections 147/148/149/302/325/326/307/506/34 of the Indian Penal Code.

In the matter of : Pratap Saha @ Pitu.

.... Petitioner.

Mr. Biplab Roy,
Ms. Rashmi Roy (Verma),
Mr. Nilanjan Adhikari.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

Petitioner is in custody for more than five years. He submits injured eyewitness has not identified him as one of the assailants. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including that of PW17, the injured eyewitness. During cross-examination, the said witness categorically stated petitioner was not present at the spot.

In view of the aforesaid exonerative materials on record and protracted period of detention suffered by the petitioner, we are inclined to grant bail to him subject to condition.

Accordingly, the petitioner viz., Pratap Saha @ Pitu 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-Paraganas 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 that the petitioner while on bail shall remain within the District of 24-Paraganas, North and report to the Officer-in-charge, Habra 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.)