

21.08.2023.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3130 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uttarpura P.S. Case No.159 of 2020 dated 05.06.2020 under Sections 395/397/412 of the Indian Penal Code and Sections 25(1-B)(a) of the Arms Act.

In the matter of : Sanjay Paswan @ Sanjoy Paswan
@ Chattu.

.... Petitioner.

Mr. Dipanjan Dutt,
Ms. Priyanka Sarkar.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

1. Petitioner is in custody for more than three years and two months. He submits he was not identified by witnesses during T. I. Parade. CCTV footage also does not show his presence at the place of occurrence. There is little possibility of trial concluding in the near future. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits cash to the tune of Rs.1 lakh and fire arms were recovered from the house of the petitioner. He was not inside the bank. As a consequence, CCTV footage does not show his presence. Two witnesses have already been examined.
3. We have considered the materials on record in the light of rival submissions. CCTV footage does not show the presence of the petitioner at the place of occurrence. He was not identified by witnesses during T. I. Parade. Prosecution primarily relies on recoveries from the residence of the

petitioner. On 06.06.2020, a sum of Rs.52,000/- was recovered from his house. There is nothing to show that the numbers on the currency notes matched with those stolen from the bank. Subsequently, another recovery is said to have been made on 10.06.2020 involving another tranche of currency notes and fire arms. It is for the prosecution to explain how the subsequent recoveries had not been noticed while the house of the petitioner was searched on 06.06.2020. Petitioner has already suffered incarceration for more than two years. There is no possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment. He does not have criminal antecedents.

4. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

5. Accordingly, the petitioner viz., Sanjay Paswan @ Sanjoy Paswan @ Chattu 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 Additional Sessions Judge, Fast Track Court, Serampore, Hooghly 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 jurisdiction of Uttarpara Police Station except for the purpose of attending Court proceeding and report to the Officer-in-charge of Uttarpara Police Station once in a week until further orders.

6. 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.

7. This application for bail is, thus, disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)