

28.08.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3215 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.08.2023 in connection with RC 056 2021 S 0016 dated 27.08.2021 of CBI, SCB, Kolkata under Sections 448/325/307/302/427/34 of the Indian Penal Code arising out of Jagaddal Police Station Case No.345 of 2021 dated 03.05.2021 under Sections 448/325/307/302/427/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 143/144/147/148/149/449/450/452/324/326/342/427/506/302/307/354/201/34 of the Indian Penal Code. (G.R. Case No.3658 of 2021)

And

In Re: ***Shambhu Chakraborty***

... .. Petitioner

Md. Khairul

... .. for the petitioner

Mr. Kallol Mondal
Mr. Amajit De

... .. for the CBI

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted co-accused similarly circumstanced with the petitioner have been enlarged on bail. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the CBI submits petitioner stands on the same footing with the said co-accused.
4. We have considered the materials on record. Co-accused similarly circumstanced with the petitioner have been enlarged on bail. Petitioner stands on the same footing with the said co-accused. There is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

5. Therefore, the accused/petitioner, namely **Shambhu Chakraborty**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas subject to condition that the said petitioner 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 not enter the district of North 24-Parganas except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)