

29.09.2023.
22
Ct.No.28.
sayandeep
(Allowed)

C.R.M. (DB) 3656 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S. Case No. 675 of 2021 dated 26.09.2021 under Sections 341/325/379/326/307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Tapan Biswas @ Kutu @ Tapan Kumar Biswas**
..... Petitioner.

Mr. Arindam Jana
Mr. Soham Banerjee

...for the Petitioner.

Mr. Rudradipta Nandy
Mrs. Sauali Das

...for the State.

Ms. Subhasree Patel

....for the de facto complainant

1. Petitioner is in custody for more than 400 days. He submits that there was a free fight between the parties. Case and counter case were registered over this issue. There is no progress in the matter since rejection of bail by this Court.

2. Learned lawyer for the State opposes the bail prayer.

3. Learned counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. There was free fight between the parties. Both parties suffered injuries. Case and counter case were registered. There is no development in the matter and trial has not yet commenced since rejection of bail by this Court.

5. In view of the aforesaid facts, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia 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 not enter the jurisdiction of Hanskhali police station 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 police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

7. 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.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)

