

10.10.2023  
Sl. No.61  
**akd**  
[ALLOWED]

**C. R. M. (DB) 3917 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.10.2023 in connection with Amherst Street Police Station Case No.121 of 2021 dated 24.06.2021 under Sections 120B/419/420/467/468/471/474/170/307/274/275/276/188 of the Indian Penal Code read with Section 51(B) of the Disaster Management Act, 2005 and subsequently charges were framed under Sections 465/469/467/468/471/474/419/420/170/120B/274/275/276 of the Indian Penal Code.

And

In Re: ***Debanjan Deb***

... .. Petitioner

Mr. Bikash Ranjan Bhattacharyya .. Sr. Advocate  
Mr. Sabyasachi Chatterjee  
Mr. Omar Faruk Gazi  
Mr. Akashdeep Mukherjee  
Mr. Badrul Karim

... .. for the petitioner

Mr. Sudip Ghosh  
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years and four months. No witnesses have been examined. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the principal accused and had obtained stay of the proceeding.
3. We have considered the materials on record. Petitioner is in custody for more than two years and four months. Though proceeding had been stayed at his behest till April, 2023, no witnesses have been examined till date. Prosecution proposes to examine 75 witnesses. It is left to one's imagination when the trial would come to an end. Co-accused have been enlarged on bail. Under such circumstances, we

are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Debanjan Deb**, 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 Chief Metropolitan Magistrate, Kolkata 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.
5. 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.
6. The application for bail, thus, stands allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**