

19.10.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (DB) 4106 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.10.2023 in connection with Kasba Police Station Case No.172 of 2021 dated 26.06.2021 under Sections 120B/419/420/467/468/471/170/188/276 of the Indian Penal Code read with Section 58(1) of the Disaster Management Act.

And

In Re: **Debanjan Deb**

... .. Petitioner

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Badrul Karim
Ms. Kiron Sk.

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 832 days. It is further submitted there is slow progress in trial. 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. He sought adjournment to cross-examine prosecution witnesses which contributed to the delay.
3. We have considered the materials on record. Allegations involve setting up fake vaccination camps during Covid pandemic. It is also contended petitioner is the principal accused. Though allegations are grave, it is undeniable petitioner has suffered incarceration for a protracted period of time. None of the offences, if proved, would attract mandatory life imprisonment. Only two out of seventy-two witnesses have been examined till date. There is little 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.

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 Additional Chief Judicial Magistrate, Alipore, South 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.
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.)