

19.10.2023
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allowed

CRM(DB) No. 4118 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lake Town Police Station Case No. 160 of 2018 dated 21.10.2018 under Sections 386/326/307/34 of the Indian Penal Code and adding Sections 212/120B of the Indian Penal Code read with Section 25(1)(a)/27 of the Arms Act.

And

In Re : Choton Dey alias Subhajit Nayek & Ors. petitioners

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than three years. It is also submitted victim has not identified the petitioners as the assailants. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners are members of an inter-State gang who are contract killers and used to extort members of the society. They have criminal antecedents. Trial has substantially progressed.

3. We have considered the materials on record. It is true petitioners have criminal antecedents but the evidence on record is scanty. Victim has not identified the petitioners as his assailants. They are in custody for a considerable period of time. Under such circumstances, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat, North 24 Parganas, on further condition that while on bail petitioners shall remain within the jurisdiction of their respective police stations except for the purposes of investigation and /or attending court proceeding and shall meet the officers-in-charge of the said police stations once in a week until further orders. Petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)