

23.11.2023  
Sl. No.16  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4132 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 Bhimpur Police Station Case No.391 of 2022 dated 02.10.2022 under Sections 326/326A/307 of the Indian Penal Code. (G.R. Case No.6832 of 2022)

And

In Re: **Swapan Biswas**

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Shiladitya Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 125 days. Accordingly, he prays for bail.
2. Further statement of the victim has been recorded. Her subsequent statement is contrary to her previous statement before Magistrate.
3. In view of the aforesaid dichotomy and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Swapan Biswas**, 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 Judicial Magistrate, Nadia at Krishnanagar 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.)**