

02.11.2023
Court No.8
Item. 44
(Suvendu/Sandip)

CRM(DB) 4216 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Hanskhali Police Station Case No. 1159 of 2022 dated 13.11.2022 under Sections 448/354/354A/302/506 of the Indian Penal Code, 1860 (corresponding to G.R. No. 6172/2022) pending in the Court of the learned Additional District & Sessions Judge, Fast Track Court, Ranaghat, Nadia being Sessions Case No. 10 (3) 2023.

And

In the matter of: Diprojit Sarkar @ Raju

.Petitioner.

Mr. Souvik Mitter
Mr. Syed Murshid Alam

for the Petitioner.

Mr. Prasun Kumar Dutta
Mr. Pradipta Kumar Ganguly

for the State.

1. Learned counsel for the petitioner contends that the petitioner is in custody almost for a year. That apart, the petitioner was never named by any of the witnesses to have been connected with the alleged offences.
2. It is further submitted that the only premise of incriminating the petitioner is apparently the petitioner's previous relationship with the deceased, which has no nexus with the crime.
3. Learned counsel for the State opposes the prayer for bail and submits that the petitioner's name was taken by one Ganesh Halder. However, we find from the record that in none of the statements under Section 164 Cr.P.C. the petitioner was named. As such, we do not find any

direct nexus between the petitioner and the alleged crime for the purpose of considering the prayer for bail.

4. Accordingly, CRM (DB) 4216 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 ACJM, Ranaghat.
5. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.
6. The petitioner shall also not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
7. In default of compliance of any of the above conditions, the bail granted to the petitioner shall stand automatically cancelled.

(SABYASACHI BHATTACHARYYA, J.)

(PARTHA SARATHI CHATTERJEE, J.)

