

D/L. 45.
November 2, 2023
rp/gc

CRM (DB) 4217 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.10.2023 in connection with Amdanga Police Station Case No. 528 of 2021 dated 07.10.2021 under Sections 395/397/412 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959.

And

In the matter of: Sunit Kumar Bhowmik @ Sumit @ Puchu

.... Petitioner

Md. Subir Ahmed,
Mr. Kalyan Kumar Bhattacharjee,
Mr. Litan Maitra,
Mr. Abdur Rakib,
Mr. Hillol Saha Poddar,
Mr. Dhiman Banerjee

... for the Petitioner.

Mr. P.K. Ganguly,

... for the State.

1. Learned Counsel for the petitioner submits that the petitioner has been incriminated in connection with an alleged burglary. It is submitted that the only factor which goes against the petitioner apparently is recovery of an amount from the petitioner which according to the petitioner he earned from his own business.
2. It is further argued that the petitioner was never identified by the driver or the helper of the vehicle from which the burglary took place.
3. Learned Counsel for the State opposes the prayer for bail and submits that a substantial amount of Rs.3.5 lakh was recovered from the petitioner, who is a day labour in the fish centre where the incident took place.
4. It is further submitted that the trial is ongoing and bail ought not to be granted at this stage.

5. We find from the arguments and the counter-arguments that the chain of events does not directly relate to the petitioner so palpably as to refuse him bail, particularly since the petitioner is already in custody for about 749 days.
6. Hence, CRM (DB) 4217 of 2023 is allowed, granting bail to the petitioner on condition of furnishing bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat.
7. Moreover, the petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts 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.
8. In default of compliance of any of the above conditions, the bail granted to the petitioner shall stand automatically vacated.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)