

20.12.2023
Sl. No.73
akd
[ALLOWED]

C. R. M. (DB) 4585 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.12.2023 in connection with Santipur Police Station Case No.281 of 2023 dated 20.03.2023 under Sections 307/328/34 of the Indian Penal Code. (G.R. Case No.1052 of 2023)

And

In Re: ***Biswanath Singh @ Bapi***

... .. Petitioner

Mr. Sagar Saha
Mr. Subir Debnath
Ms. Roma Roy

... .. for the petitioner

Mr. Bidyut Kumar Roy
Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 217 days. Co-accused have been granted pre-arrest bail. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the principal accused.
3. We have considered the materials on record. We have examined the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Statements show petitioner had administered the drink containing poison. Be that as it may petitioner is in custody for over 200 days. There is no progress in the matter since the rejection of bail by this court. Co-accused have been granted pre-arrest bail. Balancing the nature of accusation with 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 ***Biswanath Singh @ Bapi***, 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, Ranaghat, Nadia 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.)