

21.12.2023
tkm/ct 28
sl no. 91

C.R.M. (DB) 4719 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shibpur P.S case no. 76 of 2019 dated 11.2.2019 under sections 326/307/120B/34 IPC and 25 (1B)(a)/27 of the Arms Act

and

Allowed

In Re : B Bhaskar Rao

..... petitioner

Mr. S Das Mahapatra

Mr. S Basu Roy Chowdhury

..... for the petitioner

Mr. Swapan Banerjee

Mr. Arif Ekbal Molla

..... for the State

1. Petitioner is in custody for 411 days. He contends that he has been falsely implicated.

2. Learned lawyer for the State opposes the bail prayer.

3. We have considered the materials on record. Balancing the nature of accusation with the period of detention suffered by the petitioner and as there is no possibility of trial concluding in the near future we are inclined to grant bail to the petitioner however, subject to conditions.

4. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall remain outside the district of Howrah except for attending the court proceedings and/or investigation and the petitioner shall provide the address where he shall reside while on bail to the investigating officer as

well as the court below and shall meet the officer in charge of the concerned police station where he shall reside while on bail once in a week until further orders.

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 being CRM (DB) 4719 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)