

18.01.2024.
35.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 151 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagar P.S. Case No.399 of 2021 dated 12.12.2021 under Sections 365/342/3676D/506/34 of the Indian Penal Code and charge sheet submitted under Sections 365/342/376/506/34 of the Indian Penal Code.

In the matter of : **Jhantu Das.**

.... Petitioner.

Mr. Soumik Ganguli,
Mr. Supriyo Shasmal.

...for the Petitioner.

Mr. Abhra Mukherjee,
Ms. Trina Mitra.

...for the State.

1. Petitioner submits victim had taken a loan from the petitioner and had not repaid the money. A criminal case was registered. In retaliation, the present case has been registered. There is delay in lodging the FIR. Victim has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer..
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Thereafter, victim has been examined. Further detention of the petitioner is not necessary.
4. In view of change in circumstances i.e. vulnerable witness has already been examined, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Jhantu Das** shall 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas subject to condition that he 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.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)