

19.03.2024

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Allowed

C.R.M. (DB) No. 712 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 1043 of 2022 dated 06.10.2022 under Sections 307/34 of the Indian Penal Code read with Sections 25(i)(a)/27 of the Arms Act.

And

In Re : Kishan Biswas alias Prosen Biswas petitioner

Mr. Sayan De

Mr. Sayan Kanjilal

.....for the petitioner

Mr. Pinak Kumar Mitra

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 500 days. Charge has not yet been framed. Accordingly, he prays for bail.

2. Learned Counsel for the State files report. It appears from the report statement of the victim has been recorded. Let the report be kept on record.

3. We have perused the materials on record. Allegations against the petitioner are serious. However, he is in custody for a protracted period of time. Charge is yet to be framed. Accordingly, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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, Ranaghat, Naida, on further condition that

petitioner while on bail shall not enter the Santipur Police Station till examine of the victim and shall provide address where he shall presently reside to the investigating officer and learned court below and he shall report to the Officer-in-Charge of the concerned police station once in a week until further orders. 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 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)