

10.04.2024
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 1034 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.03.2024 in connection with Bishnupur Police Station Case No.145 of 2023 dated 19.02.2023 under Sections 302/34 of the Indian Penal Code and Sections 25(i)(a)/27 of the Arms Act and subsequently charge sheet submitted under Sections 302/120B/34 of the Indian Penal Code. (A.C.G.R. Case No.734 of 2023)

And

In Re: **Pradip Gayen**

... .. Petitioner

Mr. Ayan Bhattacharya
Ms. Sutanuka Chowdhury

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Sayan Dev Kumar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four months. It is further submitted there is no legally admissible evidence connecting him with the crime. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had motive to commit the crime. He had telephonic conversations with co-accused who committed the murder. Trial is in progress.
3. We have considered the materials on record. Complicity of the petitioner is primarily based on the statement of co-accused before police officer which is inadmissible in evidence. The other piece of evidence relied on by the prosecution are CDRs showing telephonic conversations (*contents whereof are unknown*) between petitioner and co-accused.

4. In view of the scanty materials on record implicating the petitioner in the crime, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
5. Therefore, the accused/petitioner, namely **Pradip Gayen**, 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 Chief Judicial Magistrate, South 24-Parganas at Alipore 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Sonarpur Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Sonarpur Police Station once in a week until further orders.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)