

24.04.2024.  
17.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 1149 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No.255 of 2020 dated 03.06.2020 under Sections 447/326/354/302/34 of the Indian Penal Code.

In the matter of : **Samrat Ghosh.**

.... Petitioner.

Mr. Debabrata Ray  
Mrs. Karabi Roy,  
Ms. Sarbani Mukhopadhyay.

...for the Petitioner.

Mr. Bibaswan Bhattacharya,  
Mr. Aslam Parvez.

...for the State.

1. Petitioner is in custody for more than two years. He submits the ocular statements of witnesses before Magistrate are not supported by the medical evidence. There has not been any progress in the matter since rejection of bail by this Court. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer of the petitioner was rejected on a number of occasions earlier.

3. We have considered the materials on record. Bail prayer of petitioner was rejected with reference to statements of witnesses before Magistrate. The witnesses stated petitioner had assaulted the victim on the chest.

4. Presently, we have examined the post mortem report. No injury was found on the chest. Clarificatory report of the post mortem doctor endorses such finding. Co-accused viz.,

Basudeb Ghosh who inflicted injury with sharp cutting weapon on leg is on bail. Boton Ghosh is also alleged to have participated in the assault. There is little possibility of concluding trial in the near future.

5. Under such circumstances, we are inclined to enlarge the petitioner on bail.

6. Accordingly, the petitioner viz., **Samrat Ghosh** 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, Krishnagar, Nadia 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. Clarificatory report filed in Court today be kept on record.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**

