

19.04.2024.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1212 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalayani P.S. Case No.118 of 2015 dated 22.02.2015 under Sections 448/376/323 of the Indian Penal Code.

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

.... Petitioner.

Mr. Shivaji Kr. Das,
Ms. Bushra Feroj.

...for the Petitioner.

Mr. Koushik Kundu,
Mr. Sagnik Mukherjee.

...for the State.

1. Petitioner was on bail earlier. Due to pandemic conditions, he was unable to appear. As a result, warrant was issued. He has been re-arrested and is in custody for 40 days. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for three years.

3. We have considered the materials on record. Petitioner was on bail since 2015. Due to pandemic conditions, he was unable to appear and warrant was issued. He was arrested in 2024 and is presently in custody. Vulnerable witness has already been examined.

4. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

5. Accordingly, the petitioner viz., **Sailen 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, Kalyani, 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 and on further condition petitioner while on bail shall meet the Officer-in-charge, Kalyani Police Station once in a week until further orders.

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.)