

13.06.2024
Item no.23.
Court No.28.
S. De

CRM (DB) No. 1541 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.05.2024 in connection with Baishnabnagar Police Station Case No. 903 of 2023 dated 15.12.2023 under Sections 341/324/326/307/34 of the Indian Penal Code.

And

In the matter of : Bapan Saha.

.....Petitioner.

Md. Wasim Akram,
]for the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Mrs. M. Roy,
...for the State.

The charge is under Sections 326/307 of the Indian Penal Code. The petitioner says that he has no specific role to play in the incident. A co-accused person has been granted bail by a co-ordinate Bench of this Court by an order dated May 2, 2024 in CRM (DB) 1384 of 2024. He is in custody for 155 days. Investigation is complete. Charge-sheet has been submitted. His further detention is not necessary.

Mr. Mukherjee, learned APP says that the injury caused to the victim is grievous. The petitioner does not stand on the same footing as the co-accused who has been enlarged on bail by the co-ordinate Bench. The prayer for bail should be rejected.

On an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged

offence and also keeping in mind that investigation is complete, we do not think any useful purpose will be served by keeping the petitioner detained any further.

Accordingly, we direct that the petitioner namely, **Bapan Saha** 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 Chief Judicial Magistrate, Malda and on further conditions that he shall remain within the jurisdiction of the concerned police station.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)