

48.
09-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1728 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No.387 of 2023 dated 05-11-2023 under Section 395 of the Indian Penal Code.

- A n d -

**In the matter of : Bhagwan Das (Described as Bhagawan
Das in charge sheet) & Anr.**
.... Petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Ms. Rajnandini Das,
Mr. Syed Murshid Alam

... For the Petitioners.

Mr. Arijit Ganguly,
Ms. Rita Datta

... For the State.

The petitioners say that they are in custody for about eight months. They have no connection with the alleged offence of dacoity. The alleged incident took place in the night/early morning between November 04 and November 05, 2023. On November 04, 2023, the petitioners attended a court in Budaun, Uttar Pradesh, in connection with another criminal case. Hence, they could not have possibly been associated with the alleged offence of dacoity.

On June 21, 2024, when this matter was taken up for hearing, the petitioners produced information slip from the Uttar Pradesh Court in support of their aforesaid submission. We had directed the State to verify the authenticity of the said

document and file a report in Court. Such report is filed today. Let the same be kept with the records.

We find from the said report that the information slip produced by the petitioners is genuine. This would indicate that on November 04, 2023, the petitioners were in Budaun Court, Uttar Pradesh. It is highly unlikely that they would be associated with the dacoity that is alleged to have been committed in the midnight between November 04 and November 05, 2023. The prosecution will naturally be at liberty to prove in the trial Court that these petitioners were associated with the alleged dacoity.

Learned advocate for the State opposes the prayer for bail.

We are told that charge has been framed and date of recording evidence has also been fixed.

Considering that the petitioners have been in custody for some time and in view of what we have recorded above, we are inclined to grant bail to the petitioners, but on stringent conditions.

Accordingly, we direct that the petitioners, namely, **Bhagwan Das (Described as Bhagawan Das in charge sheet)** and **Sohan Lal (Described as Sohanlal in charge sheet)**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Tamruk, Purba Medinipur. The petitioners shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall remain within the jurisdiction of Chandipur police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders. The petitioners shall, through their learned advocate, inform the learned trial Court as well as

the Officer-in-Charge of Chandipur Police station their current local address where they would be residing while on bail and shall not leave the geographical limits of West Bengal, until further orders.

In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1728 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)