

6.
22-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1761 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur Police Station Case No.13 of 2024 dated 17-01-2024 under Sections 302/201/120B of the Indian Penal Code.

- A n d -

In the matter of : Bijan Biswas

.... Petitioner.

Mr. Sandip Chakraborty,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Koustav Das

... For the Petitioner.

Ms. Faria Hossain,
Mr. Bidyut Roy

... For the State.

Mr. Atis Kumar Biswas,
Mr. Amit Sikngh

... For the defacto-complainant.

Dictated by Apurba Sinha Ray, J.

Learned counsel for the petitioner has submitted that the petitioner has been languishing in jail for seven months. The case is based on circumstantial evidence. There is no direct evidence against the present petitioner. As the investigation is complete, he may be enlarged on bail.

Mr. Roy, learned advocate for the State, opposes the prayer for bail. According to him, there is sufficient incriminating material against the petitioner including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure.

Learned advocate for the defacto complainant has also submitted before this Court that the victim was brutally murdered by electrocution and recovery of the relevant electric wire was made from the possession of the present petitioner.

We have considered the material in the Case Diary. It appears that investigation is complete. On an overall

consideration of the facts and circumstances of the case, we are inclined to enlarge the petitioner on bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Bijan Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Tehatta, Nadia. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Karimpur Police Station, Nadia, except for the purpose of attending the court proceedings, until further orders. The petitioner shall intimate the I.O. of his current local address and shall report to the Officer-in-Charge of the concerned Police Station where he proposes to stay once every fortnight, until further orders.

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

The application for bail being CRM (DB) 1761 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.)