

98.
20-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1813 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Suti Police Station Case No.593 of 2023 dated 04-10-2023 under Sections 120B/302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Sudip Das

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Tapadip Gupta

... For the Petitioner.

Mr. Sandip Chakraborty,
Mr. Asraf Mondal

... For the State.

The petitioner is one of several accused persons. The charge is under Sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

The petitioner says that he had no significant role to play in the alleged incident. A co-accused person, namely, Md. Jahangir Alam, has been enlarged on bail by this Court by an order dated April 10, 2024. The petitioner stands on a better footing than that person. Charge sheet has been submitted upon completion of investigation. He is in custody for 261 days. He prays for bail.

Learned advocate for the State strongly opposes the prayer for bail. He produces the Case Diary. He frankly admits that none of the witnesses whose statements were recorded under Section 164 of the Code of Criminal Procedure, names this petitioner. However, statements recorded under Section 161 of the Code of Criminal Procedure implicate this petitioner. The petitioner is a part of the conspiracy to commit the murder.

We have considered the facts and circumstances of the case and the material on record. On an overall assessment, and considering that investigation is complete and charge is scheduled to be considered soon, we are of the view that further detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely, **Sudip Das**, 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, Jangipur. 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 in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

In the event the petitioner fails to appear before the trial Court without justifiable cause, 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) 1813 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.)