

32. 05.07.2024
Court
No.1 (Tanmoy)

Allowed-in-part

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1909 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Suti Police Station Case No. 477 of 2023** dated **14.08.2023** under Sections **302/120B/ 506/34** of the Indian Penal Code, 1860 read with Sections **25/27** of the Arms Act.

And

In the matter of: - **Subrata Ghosh @ Kalu Ghosh**

...petitioners.

Mr. Milon Mukherjee, Ld. Sr. Adv.,
Mr. Usof Ali Dewan, Adv.,
Mr. Asif Dewan, Adv.

...for the petitioners.

Mr. Madhusudan Sur, Ld. APP,
Mr. Siladitya Banerjee, Adv.

...for the State.

The charge is of murder and conspiracy. We have seen the material in the case diary. The offending weapon was recovered from the house of the petitioner no.1. It also appears that this petitioner shot at the victim who succumbed to the injury. The prayer for bail of the **petitioner no.1**, namely, **Subrata Ghosh @ Kalu Ghosh**, stands **rejected**.

Insofar as the other two petitioners are concerned, we see from the material in the case diary that their names have been mentioned by witnesses whose statements were recorded under Section 164 of the Code of Criminal Procedure, 1973. However, one of such persons whose name also finds mention being Subhas Ghosh, has been granted bail by the learned Trial Court.

Subhas and the petitioner nos. 2 and 3 stand on the same footing as would appear from the material in the case diary.

Therefore, on the ground of parity, we grant bail to the petitioner nos. 2 and 3, namely, **Bhajan Haldar** and **Dipankar @ Chhottu Ghosh**.

Accordingly, we direct that the petitioner nos.2 and 3, namely, **2. Bhajan Haldar** and **3. Dipankar @ Chhottu Ghosh**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, subject to condition that the petitioner nos. 2 and 3 shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner nos.2 and 3 fail to adhere to any of the conditions stipulated above without any justifiable cause, the trial Court shall be at liberty to cancel the bail of the petitioner nos.2 and 3 in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1909 of 2024 is, accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)