

56.
Court
No.28

09.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1907 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Nakashipara Police Station Case No.152 of 2024** dated **17.02.2024** under Sections **447/325/326/307/34** of the Indian Penal Code, 1860. Charge-sheet submitted on 30.03.2024 under Sections **447/325/326/307/34** of the Indian Penal Code, 1860.
And

In the matter of: - **Sukanta @ Bibekananda Biswas**

...petitioner.

Mr. Arnab Chatterjee, Adv.,
Mr. Amanul Islam, Adv.,
Mr. Sourav Mukherjee, Adv.,
Ms. Poulami Bose, Adv.,
Ms. Dhanasree Biswas, Adv.

...for the petitioner.

Mr. S.S. Imam, Adv.,
Mr. Santanu Talukder, Adv.

...for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioner submits that he has been languishing in judicial custody for about 142 days. The investigation has already been completed and there is no need for further custodial detention of the petitioner.

Learned Counsel appearing for the State has raised strong objection against the bail prayer. According to him, there are incriminating materials against the petitioner in the case diary. The offending weapon has been recovered from his possession.

We have considered the material in the case diary. We find that investigation is complete. On an assessment of the material in the case diary, we are of the view that there is no need for further custodial detention of the petitioner. Therefore, we are inclined to allow the petitioner's prayer for bail but on stringent conditions:

Accordingly, we direct that the petitioner, namely, **Sukanta @ Bibekananda 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 the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that –

- 1) The petitioner 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 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 1) The petitioner shall not leave the territorial limits of the district of Nadia, till conclusion of trial unless such conditions have been relaxed by the Trial Court.
- 2) The petitioner shall furnish the present address where he will be residing to the Officer-in-charge of the jurisdictional Police Station immediately after being released on bail and shall also appear before the Officer-in-Charge of the jurisdictional Police station,

where he will be residing, once in every week until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (DB) 1907 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)