

27.
Court
No.28

21.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2106 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 **Gaighata** Police Station Case **No.489 of 2022** dated **29.05.2022** under Sections **341/326/307/34** of the Indian Penal Code, 1860 read with Sections **25/27** of the Arms Act, 1959. Charge-sheet under Sections **341/326/307/34** of the Indian Penal Code, 1860 read with Sections **25(i)(a)/27** of the Arms Act, 1959

And

In the matter of: - **Apratim Halder**

Mr. Susnigdho Bhattacharyya

...petitioner.

Mr. Sekhar Barman

...for the petitioner.

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been languishing in judicial custody for about two years, two months and 22 days. Only six out of 19 witnesses have been examined out of which three witnesses have been declared hostile by the prosecution. Learned Counsel has also drawn our attention to the fact that charge was framed in the year 2023. It is further submitted that there is no chance of early conclusion of the trial and as such, the petitioner may be enlarged on bail on any condition that this Court may decide.

2. Learned Counsel for the State opposes the prayer for bail. According to him, firearm was recovered from the possession of the petitioner. There are sufficient incriminating materials against the present petitioner and as such, the prayer for bail of the petitioner should be rejected.
3. We have considered the materials on record including the case diary. It appears that the prosecution has had sufficient time to complete the evidence of the witnesses but in vain.
4. Considering the long period of detention of the present petitioner and also nature and gravity of the offence, we are inclined to allow the petitioner's prayer for bail but on certain conditions.
5. Accordingly, we direct that the petitioner, namely, **Apratim Halder** 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 Additional Sessions Judge, 2nd Court at Bongaon, North 24 Parganas, subject to condition that 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.
6. 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 his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (DB) 2106 of 2024 is accordingly disposed of.
8. 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.)