

30.
Court
No.28

14.08.2024
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2094 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Sankrail** Police Station Case No. **557/2021**, dated **08.05.2021** under Sections **302** of the Indian Penal Code.

And

In the matter of: - **Sailendra Yadav @ Seuraj Yadav @**
Sailendra

Mr. Achin Jana
Mr. Prosenjit Ghosh
Mr. Bhaskar Dalui

...petitioner.

Ms. Zareen Khan
Mr. Saibal Krishna Dasgupta

...for the petitioner.

...for the State.

Dictated by Partha Sarathi Sen, J.

1. The photocopy of the deposition of PW2 which has been filed by learned Advocate for the accused petitioner is taken on record.
2. In support of the application for bail learned Advocate for the petitioner submits before this Court that in view of the fact that the present accused petitioner is languishing in judicial custody for close to three years and the fact that there are sufficient contradictions and/or omissions in the evidence of PW2, who according to the prosecution, is an eyewitness to the alleged incident, the instant application for bail may be considered favourably.
3. Learned Advocate for the State opposes the bail prayer.

4. We have considered the entire materials of the case diary as well as the evidence of PW2. Admittedly, trial has progressed substantially and vital witnesses have been examined. No case has been made out that in the event the present accused petitioner is enlarged on bail, he may abscond and/or tamper with the evidence.

5. Considering the entire circumstances and also in view of long detention suffered by the present accused petitioner, we are inclined to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Sailendra Yadav @ Seuraj Yadav @ Sailendra** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that the petitioner shall appear before the learned 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.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2094 of 2024 is accordingly disposed of.

7. 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.)

(Partha Sarathi Sen, J.)