

02.09.2024
Item no.29.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2197 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Kharagpur (Town) Police Station Case No. 341 of 2023** dated **10.07.2023** under **Sections 341/302/34** of the Indian Penal Code and Sections **25/27** of the Arms Act.

And

In the matter of : Dipankar Sukla.

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Soumya Basu Roy Chowdhuri,
.....for the Petitioner.

Ms. Minoti Gomes,
Mr. Mainak Gupta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that coincidentally he was present at the alleged place of occurrence. He had absolutely no role to play in the alleged murder. He is in custody since November 19, 2023. Investigation is complete and charge-sheet has been submitted. He prays for bail.
2. While opposing the bail prayer, learned advocate for the State draws our attention to the material in the case diary. In particular, we have been shown the statement of an eyewitness recorded under Section 164 Cr.P.C. The witness clearly says that the victim was shot by one Sonu. Then one Bikash hit the

victim's head with a stone. Ramesh, Sonu and Bikash played active role in the crime. The witness does not ascribe any overt act to the present petitioner.

3. Considering the above and also that the case has not yet been committed and the petitioner is in custody for close to a year and that there is very little chance of an early conclusion of the trial, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Dipankar Sukla** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Kharagpur and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. 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.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without 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.

7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)