

31.7.2024
Ct. No. 6
SL No. 62
SB /
Tanmoy

C.R.M.(DB) 2297 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Shyampukur** P.S. Case No. 52 dated 10.6.2024 under Sections 307/326/114 of Indian Penal Code adding Section 120B/56 of the Indian Penal Code.

And

In the matter of: Dibakar Shaw & Ors.

Mr. Abhishek Halder
Ms. Promiti Bandopadhyay
Mr. Moyukh Mukherjee
Ms. Shyanti Poddar ...for the Petitioners

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly
Mr. Koushik Kundufor the State

Mr. Dipanjan Dutta ... for the de facto complainant

1. Petitioners submit they are in custody for 50 days. There was a landlord – tenant dispute. They have been falsely implicated in the instant case.
2. Learned Public Prosecutor appearing for the State opposes the bail prayer.
3. Learned counsel for the petitioners contends petitioner no. 2 has a prior conviction and criminal cases are pending against others.
4. Learned counsel appearing for the de facto complainant contends petitioners and their associates are continuing to threaten the family members of the de facto complainant.
5. We have considered the materials on record. De facto complainant is the landlord of the premises. He had obtained an eviction decree against the petitioners. It is alleged petitioners had assaulted him with a rod causing fracture injury. Whether the petitioners intended to murder requires to be assessed during trial.

6. Under such circumstances, we are inclined to grant bail to the petitioners.
7. Accordingly, we direct the petitioner 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 Metropolitan Magistrate—I, Calcutta subject to condition that the petitioners shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition while on bail the petitioners shall not enter the jurisdiction of Shyampukur Police Station except for the purpose of attending Court proceeding and shall report to the officer-in-charge Shyampukur police station once in a week until further order.
8. In the event petitioners fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel their bail without any further reference to this Court.
9. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)