

27.08.2024
Item no.58.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2318 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Jagaddal Police Station Case No. 345 of 2021** dated **03.05.2021** under **Section 448/325/307/302/327/34** of the Indian Penal Code.
And

In the matter of : Biswanath Ghosh.

.....Petitioner.

Mr. Mohammad Khairul,
Sk. Shabibun Ullah,for the Petitioner.

Mr. Kallol Mondal,for the CBI.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about two and half years. There are 48 witnesses. Charge is yet to be framed. He has no specific role to play in the alleged offence. Other accused persons, similarly circumstanced, have been enlarged on bail by this Court.
2. Opposing the prayer for bail, learned advocate for the CBI says that the persons who were not visible in the relevant CCTV footage have only been granted bail. The present petitioner is very much visible in the CCTV footage of the unlawful assembly where the petitioner is seen standing with a bamboo stick in his hand. The post mortem report is to the effect

that the injury was caused by hard substance. The bail prayer of another co-accused person standing on the same footing as this petitioner was refused.

3. We have considered the material-on-record including the statements of witnesses recorded under Section 164 Cr.P.C. From such statements, we do not find that this petitioner has been ascribed any specific role in the assault of the victim. He may have been present in the scene of occurrence. However, so were other co-accused persons who have been enlarged on bail including one Basudeb and Ruma Singh.
4. Considering the aforesaid and the already lengthy detention of the petitioner and the fact that there is no possibility of an early conclusion of the trial, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely **Biswanath Ghosh** 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, Barrackpore, North 24-Parganas 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.

6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)