

30.
Court
No.28

18.09.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2354 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 **Murarai** Police Station Case **No.230/2023** dated **13.09.2023** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: - **Samrat Sk. @ Sahin Sk.**

Mr. Tapas Kr. Ghosh
Mr. Tanmay Chowdhury

...petitioner.

...for the petitioner.

Mr. Jaydeep Biswas
Mr. Soumadip Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected by a co-ordinate Bench on January 29, 2024, in CRM (DB) 242 of 2024.
2. The petitioner says that he is in custody for more than a year. His prayer for bail was rejected prior to framing of charge. Now witness action has begun. The only eyewitness, who is the mother of the victim, has turned hostile. Therefore, there is little chance of the prosecution succeeding in the case. He prays for bail.
3. Learned Advocate for the State, while opposing the prayer for bail, fairly, does not dispute that the only eyewitness has been declared hostile by the prosecution.

4. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Samrat Sk. @ Sahin Sk.** 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 Chief Judicial Magistrate, Rampurhat, Birbhum, 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) 2354 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.)