

02.09.2024
Item no. 73.
Court No.28.
AB
(Allowed)

CRM (DB) 2343 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Labpur Police Station Case No.54 of 2010 Dated 4.6.2010 under Sections 147/148/149/342/323/324/325/326/307/302/201 120B/109/354/427/379 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act

And

In the matter of : Haru KhandakarPetitioner.

Mr. Sabyasachi Banerjee,
Ms. Koel Mukherjee,
Mr. Anurag Sardar,
Mr. M. Murshedfor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly,
Mr. Kaushik Kundufor the State.

Dictated by Prasenjit Biswas, J.

1. Learned Counsel appearing on behalf of the petitioner submits that the accused petitioner is completely innocent and has been falsely entangled with the offence alleged. It is submitted by the learned Counsel that by filing charge sheet dated 04.12.2019 by the Prosecuting Agency, the accused petitioner was discharged from the case. Thereafter in the subsequent charge sheet (supplementary) dated 4.12.2019 the petitioner's name was inducted again therein as accused serial no.6.
2. Our attention is drawn by the learned Counsel that on the basis of some material, this accused petitioner was implicated in this case when all the other FIR named

accused persons have been granted bail by the Court on different occasions. So, it is submitted that this accused petitioner may be enlarged on bail on the ground that he is in custody for a considerable period of time.

3. Learned Public Prosecutor for the State opposes the prayer for bail and submits that there are sufficient incriminating materials, which suggest prima facie involvement of this accused petitioner with the alleged offence. Our attention is drawn to the statements made by the witnesses recorded under Section 164 Cr.P.C. It is submitted that if, at this stage, the accused petitioner is enlarged on bail, there is every possibility of jeopardizing the progress of the trial.
4. We have considered the rival submissions advanced by the parties and it appears that by filing the first charge sheet the Prosecuting Agency discharged the accused petitioner from the case. Pursuant to the direction passed by the Court, further investigation was taken out by the Prosecuting Agency and they filed a supplementary charge sheet implicating this petitioner as an accused in this case again. Anyway, this accused petitioner is behind the bar for a considerable period of time and hence, no further detention is necessary for the sake of custodial interrogation and as such, the accused petitioner is granted bail.
5. Accordingly, we direct that the petitioner, namely **Haru Khandakar** 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, Bolpur, Birbhum, 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)

