

08.08.2024.
24.
Ct.No.06.
as
(Allowed)

C.R.M. (DB) 2373 of 2024

In Re:- An application for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with R.C.No.0562022S0002 dated 03.02.2022 under Sections 302/201/120B of the Indian Penal Code and Sections 25/27 of the Arms Act on the basis of Ranaghat P.S. Case No.229 of 2021 dated 27.07.2021.

In the matter of : **Chandan Biswas @ Chand & Anr.**

.... Petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Ms. Rajnandini Das,
Mr. Chitrak Biswas.

...for the Petitioners.

Mr. Amajit De, Spl. P.P.,
Mr. Sagar Saha.

...for the CBI.

1. Petitioners are in custody for more than two years and ten months. He contends there is no direct evidence connecting him with murder. He has been falsely implicated due to political rivalry. Proceedings have been stayed by the Hon'ble Apex Court at the behest of the prosecution agency. There is no possibility of trial concluding in the near future. Accordingly, he renews his bail prayer.

2. Learned Advocate for CBI submits report and opposes the bail prayer. He submits petitioners were involved in the murder of a political opponent. Their bail prayer was rejected earlier on merits. Thereafter, case has been committed to the Court of Sessions.

3. We have considered the materials on record. Case relates to post poll violence and was transferred to CBI by an order

passed by a Bench presided over by the Hon'ble the Chief Justice. However, none of the witnesses had seen the incident. Relying on circumstantial evidence their bail prayer was rejected earlier on merits. But presently the prosecuting agency has approached the Hon'ble Apex Court and proceedings have been stayed. There is no possibility of trial commencing let alone concluding in the near future. Report placed before us does not show petitioner or his associates had intimidated prosecution witnesses. It is trite protracted under trial detention partakes punitive character.

4. Balancing the right to liberty of the under trial on one hand and the necessity to protect a stress free atmosphere where witnesses can depose fearlessly on the other hand, we are inclined to enlarge the petitioner on bail subject to conditions.

5. Accordingly, the petitioners viz., **Chandan Biswas @ Chand and Swapan Biswas @ Swapan Kumar Biswas @ Sapan Biswas** 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 Judicial Magistrate, Ranaghat, Nadia subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not enter the District of Nadia until further orders

except for the purpose of court proceeding and shall provide the address where they shall reside to the investigating agency as well as the jurisdictional court and meet the Officer-in-charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders.

6. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurag Kanth, J.)

(Joymalya Bagchi, J.)