

05.09.2024
Item no. 35.
Court No.28.
AB
(Allowed)

CRM (DB) 2401 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 Maheshtala Police Station Case No.159 of 2022 Dated 15.04.2022 under Section 186/341/325/326/353/332/333/307/379/427/506 of the Indian Penal Code

And

In the matter of : Bidyut Sardar @ Babusona Sardar

.....Petitioner.

Mr. Souvik Mitter,
Ms. Rajnandini Das
Mr. Karan Bapulifor the Petitioner.

Mr. Anowar Hossain
Md. Sayeed Khanfor the State.

Mr. Maidul Islam Kayal
Mr. Sumit Naskar
Mr. Kaustav Royfor the Defacto complainant.

Dictated by Prasenjit Biswas, J.

1. It is submitted by the petitioner that he is in custody for one year eight months and the charge sheet has already been submitted by the Prosecuting Agency after completion of investigation and the evidence taking process has already started. He prays for bail considering his long detention.
2. Learned Advocate for the State vehemently opposes the prayer for bail and submits that there are sufficient incriminating materials gathered in the case diary which show prima facie involvement of this accused petitioner with the alleged offence.

3. Our attention is drawn to the medical document as well as other documents gathered in the case diary. As per his submission, there are sufficient incriminating materials against the petitioner and the trial has already started. So, at this stage, this accused petitioner may not be granted bail.
4. We have considered the submissions of both the parties and also considered the medical documents as well as other documents gathered in the case diary. It appears from the injury report that the injuries sustained by the victim are simple in nature. We are told at the time of hearing that the concerned Court before which the trial is going on, is lying vacant and as such, there is no chance of an early conclusion of the trial. We find that the accused petitioner is in custody for a considerable period of time and after considering all the materials, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Bidyut Sardar @ Babusona Sardar** 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, Alipore, 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.)