

CRM (DB) 2442 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chandrakona Police Station** Case No. **73 of 2009** dated **23.07.2009** under Sections **147/148/149/326/307/302/201** of the Indian Penal Code read with Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Swapan Ghosh

.... Petitioner.

Mr. Bikash Ranjan BHattacharjee,
Mr. Kollol Bose,
Mr. A. Sundar Das,
Mr. S. Ali Afzal,
Mr. J. U. Firdous,
Ms. S. Gayen,

... For the Petitioner.

Mr. Saryati Datta,
Mr. Raju Mondal,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he has been falsely implicated. He has no role to play in the alleged offence. He is in custody for 61 days. He is 74 years old. He suffers from various ailments. His further custodial detention is not necessary. He may be granted bail on any condition as this Court may decide.

2. While opposing the prayer for bail, learned Advocate for the State says that the petitioner is named in the FIR. He draws our attention to the statement of witnesses recorded under Section 161 Cr. P. C. One such statement mentions this petitioner but nothing more.

3. Considering the age of the petitioner and on an overall consideration of the facts and circumstances of the case as also the possible extent of complicity of the petitioner in the alleged offence,

we are of the view that further custodial detention of the petitioner is not necessary. If further investigation is conducted, the petitioner shall fully cooperate with the Investigating Officer.

4. Accordingly, we direct that the petitioner, namely, **Swapan 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 Chief Judicial Magistrate, Ghatal, Paschim Medinipur subject to condition that he 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 petitioner while on bail shall not enter the jurisdiction of Chandrakona Police Station except for the purpose of attending court proceeding and shall provide the address where he shall reside to the officer-in-charge of the concerned police station and meet the officer-in-charge of the concerned police station once in a week until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Prasenjit Biswas, J.)**

(**Arijit Banerjee, J.)**