

70. 05.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2469 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 **Nagerbazar** P.S. Case No. **222/2023** dated **29.6.2023** under Sections **341/325/326/307/34** of the Indian Penal Code.

And
In the matter of: - **Biswajit Das & Anr.** ...petitioners.
Mr. Ayan Poddar
Mr. Rabindra Kumar Mitra
Mr. Sourjya Das
Ms. Poulami Bhowmick
Mr. Soham Dutta
...for the petitioners.
Mr. Prasun Kumar Dutta, Ld. APP
Ms. Suveni Banerjee
...for the State.

Dictated by Prasenjit Biswas, J.

1. Learned Advocate for the petitioners submits that the petitioners are in custody for about seven months. Charge-sheet has already been submitted by the Investigating Agency upon completion of investigation. The petitioners pray for bail on the ground of their detention behind the bar.
2. Learned Advocate for the State raises objection and submits that there are sufficient incriminating materials in the case diary which show *prima facie* involvement of these accused petitioners with the alleged offence. It is further submitted that although charge-sheet has been submitted by the

Investigating Agency but the case has not been committed.

He prays for rejection of the prayer for bail.

3. Our attention has been drawn to the medical document annexed to the bail petition.
4. We have considered the rival contentions of the parties. We have gone through the medical document as annexed to the bail petition. We have also considered the other documents in the case diary.
5. In view of the aforesaid, we are inclined to enlarge the accused petitioners on bail.
6. Accordingly, we direct that the petitioners, namely, **1. Biswajit Das, 2. Prasanta Gayen** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas, subject to condition that the petitioners 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 and on further condition that the petitioners, while on bail, shall not enter the jurisdiction of Nagerbazar Police Station except for the purpose of attending Court proceedings, until further orders and shall furnish the local address where they will be residing to the Officer-

in Charge of Nagerbazar Police Station and shall meet the Officer-in-Charge of the jurisdictional police station, where they will be residing, once in every fortnight, until further orders.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above 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.
8. The application for bail being CRM (DB) 2469 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)