

05.09.2024
Item no.128.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2605 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Hanskhali Police Station Case No. 768** of **2021** dated **05.11.2021** under **Sections 447/326/307/302** and **34** of the Indian Penal Code.

And

In the matter of : Sushen Biswas @ Susen Mondal @ Sushen.

.....Petitioner.

Mr. Arindam Jana,
Mr. Sumanta Das,

.....for the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Mainak Gupta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on more than one occasion and lastly on February 8, 2024. He says that he is in custody for about 2 years and 9 months. Only 3 out of 26 charge-sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. Further, the witnesses whose statement have been recorded under Section 164 Cr.P.C., do not name him.
2. While opposing the prayer for bail, learned State counsel draws our attention to the material in the case diary as also to the depositions of the witnesses

already examined before the learned Trial Court. We find that the statements recorded under Section 161 Cr.P.C. contain general and omnibus allegations. The 3 statements recorded under Section 164 Cr.P.C. do not refer to the petitioner. The witnesses who have deposed so far before the learned Trial Court have also made general and omnibus allegations.

3. In view of the aforesaid and considering the prolonged detention of the petitioner and also seeing that there is little possibility of early conclusion of the trial, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Sushen Biswas @ Susen Mondal @ Sushen** 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, Ranaghat 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.
5. 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 in any manner whatsoever.

6. In the event the petitioners fail 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.
7. The application for bail is, accordingly, allowed.
8. 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.)