

05.09.2024
Item no.146.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2635 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Bhimpur Police Station Case No. 80** of **2023** dated **16.03.2023** under **Sections 489B/489C** of the Indian Penal Code.

And

In the matter of : Manik Biswas & Anr.

.....Petitioners.

Mr. Snehansu Majumder,

.....for the Petitioners.

Mr. Zareen Nasema Khan,

Mr. Aritra Bhattacharyya,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail. They say that they are in custody for about 2 years. Only one prosecution witness has been examined and, that too, in part. On the last few days, no witness turned up. There are 14 charge-sheet named witnesses. It is anybody's guess as to when the trial will conclude.
2. While opposing the prayer for bail, learned advocate for the State draws our attention to the material in the case diary. It cannot be said that there is no incriminating material at all against the petitioners, however, the nature of the same is not such as would justify a custodial trial.

3. We are of the view that further custodial detention of the petitioners is not necessary, particularly, when nobody can say with any certainty as to when the trial will conclude.
4. Accordingly, we direct that the petitioners, namely, **Manik Biswas** and **Tarun Mondal** 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 Chief Judicial Magistrate, Nadia at Krishnagar and on further conditions that they 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 petitioners 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 petitioners' 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.)