

CRM (DB) 2744 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Ashoknagar Police Station** Case No. **117 of 2024** dated **26.02.2024** under Sections **302** of the Indian Penal Code and Sections 25/27 of the Arms Act and Section 12 of the Indian Passport Act.

- A n d -

In the matter of : Goutam Das

.... Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. D. Dutta,

... For the Petitioner.

Mr. Debasish Roy, Ld. PP,
Mrs. S. Patel,
Mr. S. Nandy,

... For the State.

Mr. Susmigdho Bhattacharyya,
Mr. Amik Roy Chowdhury,
Ms. S. De,

.... For the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he has been falsely implicated in this case. There was no eye witness to the alleged incident. No fire arm was recovered from him. He is in custody for more than eight months. He prays for bail.

2. Strongly opposing the prayer, learned Advocates for the State and the defacto complainant draw our attention to statements of witnesses recorded under Sections 161/164 Cr. P.C. In particular, we have been shown the statement of one Bapai Sharma who in his statement recorded under Section 161 Cr. P. C. stated that he saw this petitioner going away from the house of the deceased with a gun in his hand. However, in his statement recorded under Section 164 Cr. P. C. he does not mention any gun.

3. We have considered the facts and circumstances of the case. The evidence is circumstantial in nature. There was no

seizure of fire arms from this petitioner. Investigation is complete. 2 out of 44 charge sheet named witnesses have been examined till date. There is little likelihood of an early conclusion of the trial. The petitioner is in custody for quite some time.

4. On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioner, namely, **Goutam Das**, 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, Barasat 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 leave the jurisdiction of Ashoknagar Police Station and shall meet the officer-in-charge of the Ashoknagar police station once in a fortnight until further orders.

6. 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.

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.

(**Subhendu Samanta, J.)**

(**Arijit Banerjee, J.)**