

CRM (DB) 2870 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of BNSS in connection with **Entally Police Station** Case No. **314 of 2022** dated **12.10.2022** under Sections **307/34** of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

- A n d -

In the matter of : Subhajit Hazra @ Kishan @ Subhojit Hazra
.... Petitioner.

Mr. Santanu Talukdar,
Mr. Indranil Roy Chowdhury,
Mr. Priyankar Ganguly,

... For the Petitioner.

Mr. Prasun Kr. Dutta,
Ms. Pinky Sarkar,

... For the State.

1. Heard the learned lawyers for both the parties.
2. The petitioner is in custody for one year and nine months. He submits that vulnerable witnesses have been examined. There is no possibility of trial concluding in near future. He renews his prayer for bail.
3. Learned Advocate for the State opposes the bail prayer. Only 11 out of 55 witnesses have been examined.
4. We have considered the materials on record. Though the allegations are grave and bail prayer was rejected earlier, we note that vulnerable witnesses have been examined and there is no possibility of trial concluding in near future.
5. Under such circumstances, we are inclined to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Subhajit Hazra @ Kishan @ Subhojit Hazra**, 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 District Judge, Fast Track, 2nd Court, Sealdah 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 Entally 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.

7. 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 his bail in accordance with law without further reference to this court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)