

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3146 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, arising out of **Basirhat** Police Station Case No. **847/2022** dated **19.12.2022** under Sections **302/120B/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Kartick Pal @ Deb.**

...petitioner.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous

...for the petitioner.

Mr. Satadru Lahiri,
Mr. Syed Wasim Faruque,
Mr. Jyotirmoy Talukder

....for the *de-facto*.

Ms. Faria Hossain, Ld. APP.,
Ms. Saila Afrin

...for the State.

Dictated by Partha Sarathi Sen, J.

1. In support of the application for bail, learned advocate for the petitioner submits before this court that considering the long incarceration (more than two years), the instant application for bail may be considered favourably. It is further submitted by him that the present case is based on circumstantial evidence.
2. While opposing the prayer, Ms. Faria Hossain, learned State advocate contended that out of 37 charge-sheet named witnesses only 10 witnesses have been examined and the prosecution proposes to examine 19 more than witnesses. It is further submitted on behalf of the State that time gap between

the present accused-petitioner and the deceased last seen together and the recovery of the dead body of the deceased was very short.

3. Learned advocate for the *de-facto* complainant also opposes prayer for bail. It is contended by him that the involvement of the present accused-petitioner is found to be *prima facie* prominent at the time investigation.
4. On perusal of the entire materials as placed before us, it appears that the present case is purely based on circumstantial evidence. Admittedly, as on this day, only ten witnesses have been examined. It has been further submitted on behalf of the State that they intend to examine 19 more witnesses. There is no certainty when the trial would conclude. Considering the entire scenario and also considering the long incarceration of the present accused-petitioner, we are inclined to take a lenient view.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Kartick Pal @ Deb** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Additional District and Sessions Judge, Fast Track 3rd Court*, Basirhat, North 24-Parganas. The petitioner 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 the Bharatiya

Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the territorial jurisdiction of North 24-Parganas except for the purpose of attending court proceeding and for meeting with the Inspector-in-Charge/Officer-in-Charge, until further orders. The petitioner shall report/meet to the Officer-in-Charge/Inspector-in-Charge of Basirhat Police Station on every fortnight, until further orders. The petitioner, through his learned advocate, shall inform the learned trial Court as well as the Officer-in-Charge/Inspector-in-Charge of Basirhat Police Station his present local address where he would be residing while on bail

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (DB) 3146 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)