

75.
17-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3185 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Duttapukur Police Station Case No.463 of 2022 dated 11-05-2022 under Section 302 of the Indian Penal Code.

- A n d -

In the matter of : Indrajit Biswas @ Bagha

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman

... For the Petitioner.

Ms. Sukanya Bhattacharyya, learned Jr. Govt. Adv.,
Ms. Rajnandini Das

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected on March 04, 2024. He says that 15 witnesses have been examined by the prosecution. One of the witnesses who had recorded a statement before the Magistrate that he had seen the petitioner travelling on a motorcycle near the house of the deceased, has been declared hostile. The CCTV footage of a nearby nursing home corroborating the aforesaid fact has been marked for identification for want of certification. There is no material on record to implicate this petitioner. He is in custody for 2 years 6 months. He renews his prayer for bail.

2. Learned advocate for the State, while opposing the prayer, tells us that only 3 prosecution witnesses remain to be examined. The next date fixed is January 06, 2025. However, she fairly admits that insofar as the witnesses

already examined are concerned, none of them implicate this petitioner.

3. In view of the aforesaid, we do not find any reason to detain the petitioner in judicial custody any further.

4. Accordingly, we direct that the petitioner, namely, **Indrajit Biswas @ Bagha**, 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 Chief Judicial Magistrate, Barasat. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

5. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. 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.)

(Apurba Sinha Ray, J.)