

09.12.2024
Item no.03.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3447 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Haldia Police Station Case No. 146 of 2023** dated **11.09.2023** under **Sections 406/409/420/467/468/471/120B** of the Indian Penal Code.

And

In the matter of : Prasanta Kumar Benia @ Prasanta Kr. Benia.

.....Petitioner.

Mr. Avik Ghatak,
Mr. Amit Ranjan Pati,for the Petitioner.

Mr. Subhamay Bhattacharyya,
Mr. Karan Bapuli,for the State.

Ms. Diksha Ghosh ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier by an order dated May 21, 2024. He says that he has settled the dispute with the de facto complainant. He has paid the entire dues to the de facto complainant.
2. Learned advocate for the State opposes the prayer for bail.
3. Learned advocate for the de facto complainant says that his client has received the original demand draft.
4. In view of the above and considering that the petitioner has been in custody for more than 1 year, we are inclined to allow his prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Prasanta Kumar Benia @ Prasanta Kr. Benia** 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 Chief Judicial Magistrate, Haldia, Purba Medinipur, subject to the conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner 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.
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 the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)