

08.01.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 4352 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2023 in connection with Bally Police Station Case No.254 of 2021 dated 02.11.2021 under Sections 304/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 468/471/304/304A/120B of the Indian Penal Code. (G.R. Case No.6261 of 2021)

And

In Re: ***Sudipto Sardar***

... .. Petitioner

Mr. Arkaprabho Roy

... .. for the petitioner

Mr. Uday Sankar Chattopadhyay

Ms. Trisha Rakshit

Mr. Rajashree Tah

Ms. Aisharya Datta

... for co-accused [Dr. Shiuli Mukherjee]

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is no progress in trial as the proceedings have been stayed at the behest of the co-accused. Accordingly, he prays for bail.
2. In the light of the aforesaid submission, notice was issued upon the co-accused.
3. We have heard the learned Advocate for the State as well as the co-accused viz. Dr. Shiuli Mukherjee.
4. We have considered the materials on record. Petitioner had personated himself as a qualified doctor and treated patients in the nursing home of co-accused viz. Dr. Shiuli Mukherjee. Another criminal case was registered against the petitioner at Bankura. Dr. Shiuli Mukherjee was cited as a witness in the said case. In view of

the aforesaid circumstances, complicity of Dr. Shiuli Mukherjee in the present case is alleged to be without substance and she has prayed for quashing the proceeding in C.R.R. 1711 of 2022. As a result the proceeding against the petitioner has also been stalled. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Sudipto Sardar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said petitioner 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.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)