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11-11-2024
(ct. no.01)
KOLE
Allowed

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (DB) 527 of 2024**

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dinhata Police Station** Case No. **226 of 2024** dated **13.04.2024** under Sections **302** of the Indian Penal Code.

- A n d -

In the matter of : Sudarshan Shil @ Shudarshan Shil

.... Petitioner.

Mr. Sudip Guha,

... For the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Mr. Dr. Arjun Chowdhury,

... For the State.

Mr. Sandip Guha Roy,

... for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for 208 days. Charge sheet was filed on July 15, 2024. Charge has not yet been framed. There is no incriminating material against him. There is no possibility of early conclusion of the trial. He prays for bail.
2. Opposing the bail prayer, learned State Advocate draws our attention to the materials in the case diary including the post mortem report.
3. Learned Advocate for the defacto complainant, on instructions says that he does not oppose the application for bail.
4. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged crime, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioner, namely, **Sudarshan Shil @ Shudarshan Shil**, 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, Dinhata 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 shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

6. 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.

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

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Biswaroop Chowdhury, J.)**

(**Arijit Banerjee, J.)**