

08.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 923 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ashokenagar Police Station Case No. 235 of 2016 dated 13.03.2016 under Sections 302/201 of the Indian Penal Code.

And

In Re : Suman Mazumdar @ Gunda Suman

Mr. Biplab Roy

Ms.Rashmi Roy (Verma)

... For the Petitioner.

Ms. Subhasree Patel

Mr. Subhasish Dutta

... For the State.

The petitioner is in custody for more than 9 years and renews his prayer for bail.

Learned counsel for the State opposes the prayer.

It appears that 10 out of 14 witnesses have been examined. The petitioner's name has transpired from the statement of the co-accused. Trial may still take some more time to be concluded.

Considering the prolonged incarceration of the petitioner as well as the quality of the evidence led so far, this Court is of the view that further detention of the petitioner is not required and he may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Suman Mazumdar @ Gunda Suman shall be released on bail upon furnishing 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, Barasat subject to condition that he shall appear before the learned trial Court on every date of

hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)