

02.05.2025

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jdt.

Allowed

C.R.M. (M) 14 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 Harirampur Police Station Case No. 169 of 2022 dated 09.07.2022 under Sections 302/201 of the Indian Penal Code.

And

In Re : Dipu Singh

Mr. Aniruddha Bhattacharyya

Ms. Rai Dey

... For the Petitioner.

Ms. Zareen N. Khan

Ms. Suveni Banerjee

... For the State.

Report submitted by the State is taken on record.

The petitioner is in custody for more than two years and prays for bail.

It appears that 5 out of 16 witnesses examined till date have turned hostile. The CC TV footage was collected from two witnesses who were examined under Section 161 of the Code of Criminal Procedure. The witnesses have not identified the petitioner. The petitioner was not placed in test identification parade. 16 out of 42 witnesses have been examined so far and possibility of trial being concluded in near future is bleak. No criminal antecedent of the petitioner has been reported.

Considering the material on record, period of detention of the petitioner as well as stage of trial, this Court is of the view that further detention of the petitioner is not required and the petitioner may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Dipu Singh 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 Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that he shall remain outside the jurisdiction of Harirampur police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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.)