

**Allowed**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chinsurah Police Station Case No. 291 of 2009 dated 03.12.2009 under Sections 147/148/149/325/337/353/307 of the Indian Penal Code and Section 25/27 of the Arms Act and Section 9(b)(II) of the Explosives Substance Act.

In Re : **Toton Biswas** ... Petitioner

Mr. Md. Adil Badr  
Mrs. Dattariya Dutta ... For the State

Heard learned counsels for the parties.

The petitioner was granted bail on December 26, 2017 by the learned Sessions Judge, Hooghly. Since he was in custody in connection with other cases pending against him he was finally released by the learned Additional Sessions Judge, Fast Track 1<sup>st</sup> Court, Hooghly on May 17, 2023. The petitioner appeared before the learned trial Court through his learned advocate under Section 317 of the Code of Criminal Procedure on every date of hearing. He failed to appear before the learned trial Court without steps on September 03, 2024 for which warrant of arrest was issued

against him. He surrendered before the learned trial Court on March 19, 2024 and was taken into custody. He is in custody since then and prays for bail.

Opposing the prayer for bail learned counsel for the State submits that the petitioner has several criminal antecedents.

I have considered the material on record.

It appears that the petitioner was all throughout represented before the learned trial Court by his learned advocate and failed to take steps therein on a single occasion for which warrant of arrest was issued against him. Though the State submits that there are several criminal antecedents to the credit of the petitioner, it did not choose to pray for cancellation of bail after it was granted by the learned Sessions Judge, Hooghly. The petitioner voluntarily surrendered before the learned trial Court and is in custody since then.

In view of the above, this Court is inclined to hold that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, prayer for bail of the petitioner is allowed.

The petitioner **Toton Biswas** 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, Hooghly subject to condition that he shall appear before the learned trial Court on every date of hearing. He

shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without 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, thus, disposed of.

Case Diary be returned.

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

**(Suvra Ghosh, J.)**