

12.09.2024
tkm/ct 6
sl no. 113

C.R.M. (DB) 3022 of 2024

In Re : An application for bail under section 483 of the Bharatiya
Nagarik Suraksha Sanhita 2023 (previously section 439 Cr.P.C.) in
connection with Raidighi P.S case no. 413 of 2019 dated 21.8.2019
under sections 447/325/307/34 of the IPC IPC
and

Allowed

In Re : Basudeb Samanta petitioner

Mr. Soubhik Mitter
Mr. R Das
Mr. Karan Bapuli

..... for the petitioner

Mr. Arindam Sen
Mr. Aslam Parvez

..... for the State

Mr. Suranjan Mondal
Ms. Mousumi Biswas

..... for the de facto complainant

1. Petitioner is in custody for 9 months. He submits he has been enlarged on bail in a subsequent case of murder in CRM(DB) 2189 of 2024. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner had attempted to murder the victim. Subsequently, he murdered a witness in the said case.
3. Learned lawyer for the de facto complainant submits in the event petitioner is released on bail, witnesses would be threatened.
4. We have considered the materials on record. Bail prayer of the petitioner in the subsequent case involving murder of a witness has been allowed. There is little possibility of trial concluding in the near future. We have also taken into consideration apprehension expressed by the de facto complainant with regard to threat to witnesses. Balancing the prayer for bail on the ground of protracted detention with the apprehension expressed by the de facto complainant regarding threat to witnesses, we are of the opinion petitioner may be released on bail, however, subject to conditions restricting his

movements so as to instill confidence in the mind of the witnesses who would depose in the case.

5. Accordingly, the petitioner 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 ACJM Diamond Harbour, South 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the district of South 24 Parganas except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as the trial court and shall meet the officer in charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders..

6. In the event he fails to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (DB) 3022 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)