

CRM (DB) 3273 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Basirhat Police Station** Case No. **847 of 2022** dated **19.12.2022** under Sections **302/120B/34** of the Indian Penal.

- A n d -

In the matter of : Sujoy Dey @ Joy

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Dipankar Guha,

... For the Petitioner.

Ms. Sayanti Santra,
Mr. Bikram Mitra,

... For the State.

Mr. Satadru Lahiri,
Mr. Syed Wasim Faruque,

... for the defacto complainant.

Order dictated by Apurba Sinha Ray, J.:

1. The petitioner claims that he is similarly circumstanced with the accused Kartick Pal who was granted bail by a Coordinate Bench on December 23, 2024 in CRM (DB) 3146 of 2024. He is in custody for more than two years. The petitioner may be enlarged on bail on same condition as given to the accused Kartick Pal.

2. Learned State Advocate has raised strong objection to the bail prayer. She submits that there are sufficient incriminating materials against the accused petitioner who is not standing on the same footing with the accused. She further submits that one cable wire was recovered from the house of the present petitioner on his leading statement. If the present petitioner is granted bail, the prosecution may suffer. Out of 38 witnesses 10 witnesses have already been examined and there are sufficient incriminating materials against the present petitioner.

3. Learned Advocate for the defacto complainant has also raised objection against the bail prayer of the present petitioner. He submits that the present petitioner is the principal accused and if the petitioner is enlarged on bail, the prosecution may suffer a lot.

4. We have considered the materials on record. We find that the State and the defacto complainant are alleging that the petitioner used the cable wire to conduct the murder of the deceased. They have also produced sufficient materials to show that the said cable wire was recovered as per the leading statement of the present petitioner. It prima facie appears that the post-mortem report does not indicate that the death was caused due to the use of substance like cable wire etc.

5. However, considering the period of detention of the present petitioner and also keeping in mind that there is no chance of an early conclusion of the trial, we are inclined to enlarge the petitioner on bail.

6. Needless to say that the observations made in this order are only for the purpose of the disposing of the bail application and shall have no bearing on the trial.

7. Accordingly, we direct that the petitioner, namely, **Sujoy Dey @ Joy**, 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, Basirhat, North 24 Parganas subject to condition that he shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the territorial jurisdiction of North 24 Parganas except for the purpose of attending court proceeding and for meeting with the Inspector-in-Charge/Officer-in-Charge, until further orders. The petitioner shall report/meet to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional Police Station where he will presently reside, if on bail, on every fortnight, until further orders. The petitioner, through his learned Advocate, shall inform the learned trial court as well as the Officer-in-Charge/Inspector-in-Charge of Basirhat Police Station his present local address where he would be residing while on bail.

8. 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.

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

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)