

CRM (DB) 3350 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 **Uluberia Police Station** Case No. **141 of 2024** dated **12.04.2024** under Sections **341/323/325/326/307/302/201/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Sagar Jana

.... Petitioner.

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh,

... For the Petitioner.

Mr. Sumon De,
Mr. Raju Mondal,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner submits that the petitioner is in custody for about 295 days. The deposition of PW 1 shows that the assailant was Akash Jana and not the present petitioner. If that be so, there is no reason for further detention of the present petitioner.

2. Learned State Advocate vehemently opposes the bail prayer. He says that there are sufficient incriminating materials against the present petitioner as well. He was very much present at the time of the incident. Learned State Advocate has drawn our attention to the deposition of PW 4 in this regard.

3. We have considered the materials on record including the deposition of PWs. It is very much clear from the deposition of PW 1 who was an eye-witness to the alleged incident has categorically deposed that Akash Jana stabbed the deceased and he was standing at a distance of 15 feet from such place of stabbing. We have also considered the deposition of PW 4 wherein the witness

did not specifically state that Sagar Jana has committed the murder. He has also deposed that Akash Jana stabbed the deceased on his stomach.

4. In view of such dichotomous materials on record and also keeping in mind the fact that there is no chance of an early conclusion of the trial, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Sagar Jana**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two registered sureties of like amount each, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Uluberia, Howrah subject to condition that he shall appear before the trial court on every date of hearing until further orders 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 jurisdiction of the Uluberia Police Station except for the purpose of attending court proceedings and shall meet the jurisdictional I.C of the concerned Police Station where he will reside once in every week until further orders.

6. 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.

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

8. 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.)**