

65.
22-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3468 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Dasnagar Police Station Case No. 129 of 2023** dated **16.08.2023** under **Sections 302/34** of the Indian Penal Code & under Sections **302/120B/201** of the Indian Penal code.

And

In the matter of : Sudip @ Sudip Chatterjee.

.....Petitioner.

Mr. Achin Jana,
Mr. Suman Chakraborty,
Mr. Prosenjit Ghosh,
Mr. Bhaskar Dalui,
Ms. Chetna Rustagi,for the Petitioner.

Ms. Rituparna Ghosh,
Ms. Manasi Roy,for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner claims parity with the other accused persons who were granted bail by the learned Sessions Judge, Howrah and also this Bench.
2. Learned advocate appearing for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials against the present petitioner. The post mortem report shows that the deceased was brutally tortured and ultimately, he succumbed to his injuries. However, she has left the matter to the discretion of this Court.
3. We have considered the order dated July 9, 2024 along with the order of the other co-accused persons passed by the learned Sessions Judge, Howrah. It appears that the present petitioner stands on the same footing with the other accused persons who were granted bail by the learned Trial Court.

The said bail orders were not challenged by the prosecution. As the investigation is complete and there is no chance of an early conclusion of the trial, we are inclined to allow the prayer for bail of this petitioner.

4. Accordingly, we direct that the petitioner, namely, **Sudip @ Sudip Chatterjee** 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 Sessions Judge, 1st Court at Howrah subject to the conditions that the petitioner shall not leave the jurisdiction of concerned Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
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.)