

87.
06-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3645 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Titagarh Police Station Case No.356 of 2022 dated 22-05-2022 under Sections 302/34 of the Indian Penal Code

- A n d -

In the matter of : Subhajit Majhi @ Taton @ Totan
.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Sandipan Maity,
Mr. Srijit Biswas

... For the Petitioner.

Mr. Suman De

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 2 years 6 months. The primary material against him was the statement of one eyewitness, Rahul Ghosh, who had implicated him in the statement recorded under Section 164 of the Code of Criminal Procedure. Rahul Ghosh has now been examined before the learned trial Court as PW 4. He has completely exonerated this petitioner. In fact, he has stated in his evidence that the petitioner tried to help the victim.

2. Learned State advocate, while opposing the prayer for bail, in his usual fairness, says that he has also gone through the deposition of PW 4 and indeed, that witness has

exonerated the petitioner. It is also correct that PW 4 is the only eyewitness in this case.

3. In view of the aforesaid and also keeping in mind the prolonged detention of the petitioner in judicial custody, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Subhajit Majhi @ Taton @ Totan**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Barrackpore. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)