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CRM 1723 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Airport P.S. Case No.78 of 2018 dated 27.04.2018 under Sections 272/273/420/120B/34 of the Indian Penal Code read with Section 51 of the Food Safety Act.

And

In the matter of: Ruhul Kuddus Byapari & Anr.

....Petitioners.

Mr. Rajdeep Majumder
Ms. Sarnali Saha

...for the Petitioners.

Mr. N. Ahmed
Ms. A. Gaur

...for the State.

Petitioners are in custody for a considerable period of time. Co-accused has been enlarged on bail by a co-ordinate bench of this court.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioners alongwith other co-accused persons had offered rotten meat for sale.

We have considered the materials on record. Although allegations are grave, we note that the co-accused has been enlarged on bail. Under such circumstances, we are inclined in granting the same privilege to the petitioners also.

Accordingly we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Barrackpore, North 24 Parganas subject to condition that 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.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)