

Sl. September
16. 29, 2020

C.R.M. 7284 of 2020
With
C.R.A.N. 1 of 2020

(Via Video Conference)

In the matter of : An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 138 of 2020 dated March 17, 2020 under Sections 302/34 of the Indian Penal Code;

And

In the matter of : Prashanta Sutradhar
@ Pukuni & ors. ...petitioners.

Versus

State of West Bengal ...opposite party.

Mr. Arnab Saha,
...for the petitioners.

Mr. Kallol Acharyya,
Mr. Biswaroop Roy,
...for the State.

The petitioners undertake to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners claim that even though the petitioners' last prayer was rejected on July 9, 2020, the petitioners have now obtained the papers from which it appears that one Raju Kundu was the principal accused. The State agrees that the said Raju Kundu is the principal accused.

Raju Kundu appears to be now on bail. Accordingly, the petitioners seek bail, since the petitioners stand on the better footing than Raju

Kundu. At the time when the order dated July 9, 2020 was passed, the Court relied on the submission of the State pertaining to the C.C.T.V. footage.

However, since Raju Kundu, who is admittedly the principal accused, had been enlarged on bail, the present petitioners are also entitled to bail.

The petitioners will be enlarged on bail upon furnishing security of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate Court in Alipurduar. The petitioners will also attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this court.

CRM 7284 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

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(Aniruddha Roy, J.)