

21.10.2020
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Item no.13
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.8272 of 2020

Kamaresh Sarkar
-vs-
The State of West Bengal

In Re: An application for bail under **Section 439 CrPC** in connection with Duttapukur P.S. Case No.02 of 2020 dated 01.01.2020 under sections 302/34 of the IPC.

Mr. A. Chakraborty
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick
... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned Advocate appearing for the petitioner submits that the petitioner is standing on the same footing as the other co-accused persons who have already been granted bail by a co-ordinate Bench of this Hon'ble court. Therefore, the petitioner should be granted bail.

Mr. Sur, learned Advocate appearing for the State opposes the prayer for bail and hands over the case diary. He submits that from the statement under Section 161 of the Cr.P.C., the petitioner also standing on the same footing like the persons who have already been granted bail by a co-ordinate Bench of this Hon'ble court.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime and in view of the period of detention suffered by the petitioner and as the co-accused persons have been enlarged on bail, we are inclined to grant same privilege to the petitioner also. Under the aforesaid circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, North 24 Parganas, Barasat subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till the disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this court.

CRM No. 8272 of 2020 is disposed of.

[Aniruddha Roy, J]

[Samapti Chatterjee, J]