

27.11.2020
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Item no.7
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.9430 of 2020

Protap Mahato @ Bag
-vs-
The State of West Bengal

In Re: An application for bail under **Section 439 CrPC** in connection with Santipur P.S. Case No.361 of 2020 dated 13.08.2020 under sections 341/325/326/307/34 of the IPC.

Mr. Sananda Bhattacharya
...for the petitioner.

Mr. Neguive Ahmed,
Mr. Anwar Hossain,
Ms. Manisha Sharma
... 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 has been falsely implicated in the present case. He is not the FIR named accused. The other accused persons have already been granted bail from the co-ordinate Bench of this Hon'ble court. Unfortunately, the learned Advocate appearing for the petitioner fails to produce such order passed by the co-ordinate Bench thus allowing the application for bail.

Mr. Hossain, learned Advocate appearing for the State opposes the prayer for bail and hands over the case diary. He draws the attention of this court to the statement of the accused person under Section 161 of the Cr.P.C., and also submits that one knife was seized from the present petitioner's residence.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime and as the co-accused persons have been enlarged on bail which is not opposed by the learned Advocate appearing for the State, 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 ACJM, Ranaghat, Nadia 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. 9430 of 2020 is disposed of.

[Kausik Chanda, J]

[Samapti Chatterjee, J]