

04.12.2020

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CRM 9554 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari P.S. Case No.83 of 2020 dated 15.02.2020 under Section 380 of the Indian Penal Code and added Section 395 of the Indian Penal Code.

And

In the matter of: **Achinta Chowdhury.**

....Petitioner.

Mr. Arup Kumar Bhowmick

...for the Petitioner.

Mr. S.G. Mukherjee

Mr. Partha Pratim Das

Ms. Manasi Roy

...for the State.

The petitioner undertakes to 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 petitioner claims that though the case was initially started under Section 380 of the Penal Code, Section 395 of the Code was incorporated later and there is no material to proceed against the petitioner.

The State is represented and says that the petitioner was a part of a group of persons and the others arrested have named the petitioner as part of such group.

Considering the flimsy material on the basis of which the investigating agency has proceeded against the petitioner and arrested him, the petitioner is entitled to bail.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) with two

sureties of equal amount each, one of whom must be local, to the satisfaction of the appropriate court in Malda.

The petitioner must 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 9554 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)