

22.12.2020
Sl. No.46
akd
[ALLOWED]

C. R. M. 9993 of 2020

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2020 in connection with Onda Police Station Case No. 91 of 2014 dated 15.05.2014 under Sections 468/409/420/406/120B/34 of the Indian Penal Code.

And

In Re: ***Md. Abu Soyem***

... .. Petitioner

Mr. Imtiaz Ahmed .. Advocate
Mr. Mofakkerul Islam .. Advocate
Ms. Shaila Afin .. Advocate
Mr. Sk. Saidullah .. Advocate
Ms. Arunima Mukhopadhyay .. Advocate
Mr. Supriya Majumder .. Advocate
Mr. Debopam Roy .. Advocate

... .. for the petitioner

Mr. Sudip Ghosh .. Advocate
Mr. Apurba Kr. Datta .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 140 days. It is further submitted that co-accused has been enlarged on bail. It is also submitted that the dispute has a civil profile.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner and other accused persons induced the de-facto complainant and two others to part with money. Subsequently, they failed to return the sum advanced.

We have considered the materials on record. Allegations of cheating and criminal breach of trust may be assessed in the light of the submission that the dispute has a civil profile. That apart co-accused has been enlarged on bail. Under such circumstances including the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Md. Abu Soyem***, 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 Chief Judicial Magistrate, Bankura subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)