

09.12.2020

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Allowed

**C.R.M. 10041 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 2 of 2020 dated 01.01.2020 under Sections 147/148/149/302/34 of the Indian Penal Code.

And

In Re : Rudra Pal petitioner

Mr. Surajit Basu

.....for the petitioner

Mr. N. Ahemd

Md. Anwar Hossain

Ms. Ratna Ghosh

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he stands on the same footing with co-accused who has been enlarged on bail. The petitioner is in custody for 330 days.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as co-accused, similarly circumstanced with the petitioner, had been enlarged on bail, we are inclined in granting the same privilege to the petitioner also.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat, subject to the condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Duttapukur Police Station until further orders except for attending court proceedings and/or investigation and shall provide the address where he shall presently reside to the investigating agency and the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)