

57 16.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 10067 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Contai** P.S. Case No. **46 of 2019** under Sections **395/397/412** of the Indian Penal Code.

And

In the matter of: Sk. Mujibaruddin

....petitioner.

Mr. A. Karmakar,
Mr. A. Bhowmick

...for the petitioner.

Ms. Z. N. Khan,
Ms. S. Das

...for the State.

Petitioner renews his prayer for bail. He is in custody for 659 days. It is further submitted that he has not been identified as one of the dacoits.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that stolen articles i.e. gold ornaments were recovered from the petitioner.

We have considered the materials on record. Neither any statement of witness nor T.I. Parade, report is placed on record to establish the role of the petitioner in the dacoity. Alleged stolen articles have already been recovered. Petitioner is in custody for a considerable period of time and there is little possibility of the trial concluding in the near future. Accordingly, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to 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 Additional Chief Judicial Magistrate, Fast Tract Court, 2nd Court, Contain subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall remain within the jurisdiction of Contai P.S. except for attending the court proceedings and shall provide the address where he shall presently reside to the investigating officer as well as the court below and shall report to the Officer-in-charge of concerned Police Station once in a week until further orders.

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 without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)