

14.12.2020
Sl. No.54
akd
[PARTLY
ALLOWED]

C. R. M. 10297 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pandua Police Station Case No. 548 of 2018 dated 12.10.2018 under Sections 395/397/412 of the Indian Penal Code. (G.R. Case No.1687 of 2018)

And

In Re: **Prosenjit Karmakar @ Buro & Anr.**

... .. Petitioners

Mr. S. G. Chowdhury .. Advocate

Mr. Argha Das .. Advocate

Mr. Abhishek Bose .. Advocate

... .. for the petitioners

Mr. Swapan Banerjee .. Advocate

Mrs. Purnima Ghosh .. Advocate

... .. for the State

Heard the learned advocates appearing for both the parties.

Petitioner no.1 was identified in course of Test Identification parade. Stolen articles were recovered from him.

In view of the prima facie involvement of petitioner no.1 in the alleged dacoity, we are not inclined in granting bail to the petitioner no.1 namely, **Prosenjit Karmakar @ Buro** at this stage.

However, in view of the extent of complicity of petitioner no.2 in the alleged crime, we are of the opinion that further detention of the accused/petitioner no.2 is not necessary.

Therefore, the accused/petitioner no.2 namely **(2) Rabi Biswas**, 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, Hooghly subject to condition that the said petitioner no.2 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 is thus disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)