

24.02.2021
Item no.05
Court No.28
Avijit Mitra

C.R.M.345 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Tamluk Police Station Case No.327 of 2017 dated 04.07.2017 under Sections 395/397/412 of the Indian Penal Code;
And

In Re : Bholanath Maji

.... petitioner

Mr. Soumik Ganguli

....for the petitioner

Mr. Rana Mukherjee,

Mr. Suman Saha

..... for the State

Mr. Ganguli, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Similarly situated co-accused persons have already been enlarged on bail by a Coordinate Bench of this Court. Upon conclusion of investigation chargesheet has also been filed and as such further detention of the petitioner, who is in custody for about 3 years, is not necessary. He further submits that out of 37 witnesses only 14 witnesses have been examined and as such there is no possibility towards conclusion of trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any condition.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that recoveries were effected from the petitioner as well as from two other accused persons, namely, Prasenjit Samanta and Debasis Kar.

Having heard the learned advocates and considering the materials in the case diary and the fact that co-accused persons,

similarly situated with the petitioner have already been enlarged on bail and as there is no possibility towards early conclusion of the trial, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner namely **Bholanath Maji** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of Learned Chief Judicial Magistrate, Tamluk and on further condition that the petitioner must, however, attend on every date fixed for trial and in the event of failing to do so, the trial court shall be at liberty to cancel the bail of the petitioner without any reference to this court. We add a further condition that the petitioner will not leave the jurisdiction of the local police station without informing the I.C. or the learned court.

The application for bail being C.R.M. No.345 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)