

19.03.2021

Item No.68

Ct.No.28

dc.

Allowed

C.R.M. 895 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Bhagwanpur P.S. Case No. 47 of 2018 dated 24.02.2018 under Sections 147/148/149/325/326/307/302/120B of the Indian Penal Code (G.R. Case No. 123 of 2018).

And

In Re : **Uttam Dolai**

... Petitioner.

Ms. Minoti Gomes,
Mr. Anup Dasgupta

... For the Petitioner.

Mr. Neguive Ahmed,
Ms. Trina Mitra

... For the State.

This is an application for bail in connection with Bhagwanpur P.S. Case No. 47 of 2018 dated 24.02.2018 under Sections 147/148/149/325/326/307/302/120B of the Indian Penal Code at the behest of the petitioner.

The petitioner says that he is standing on the same footing with that of Bisha Barai @ Biswanath Barai who is a co-accused in connection with the aforementioned case and had been granted bail on 23.02.2021 in CRM 10931 of 2020.

The learned advocate appearing for the State fairly submits that the petitioner stands on the same footing with that of the said co-accused.

Since the petitioner stands on the same footing, differential treatment is unwarranted. As such, the petitioner's prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Uttam Dolai** shall 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 Additional Chief Judicial Magistrate at Contai, Purba Medinipur subject to a further condition that the petitioner shall appear before the trial court on the dates specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is also made clear that in the event the petitioner fails to comply with the conditions, as stated hereinabove, without any justifiable reasons, it would be open to the learned Trial Court to cancel the petitioner's bail without further reference to this Court.

The application for bail, being CRM 895 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)