

28.09.2021
Item no. 57
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4591 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2021 in connection with Bankura Police Station Case No. 59 of 2020 dated 15.03.2020 under Sections 395/397/412 of the Indian Penal Code.

And

In the matter of : Ajit Kumar.

.....Petitioner.

Mr. Debasish Roy, Advocate,
Syed Shamsher Ali, Advocate,
Mr. Avik Ghatak, Advocate,
Mr. Sagnik Mukkherjee, Advocate,
Mr. Amit Ranjan Pati, Advocate,
Ms. Soma Ghosh, Advocate,

.....for the Petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Mr. Sumon Saha, Advocate,

.....for the State.

The charge is of dacoity. The petitioner says that at least seven other accused persons who were caught red handed have been granted bail by the learned Trial Court. The petitioner was apprehended subsequently. He was identified in T.I. Parade. No recovery was made from the petitioner. Recovery of part of the stolen articles was made from the other seven accused persons who have been enlarged on bail. The petitioner stands on the same, if not

better footing than the other accused persons who have been granted bail.

Charge-sheet has been submitted. Charge is yet to be framed. The petitioner is in custody for 418 days. There seems little likelihood of early commencement or conclusion of the trial.

On an overall assessment of the material on record and considering that the petitioner is similarly circumstanced as seven other co-accused persons who have been granted bail by the learned Trial Court, we are of the view that the petitioner may be extended the same privilege but on stringent conditions.

Accordingly, we direct that the petitioner namely **Ajit Kumar** 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, Bankura and on further conditions that he shall remain within the jurisdiction of the concerned police station and the petitioner shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the

trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)