

08.12.2021
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allowed

CRM 5841 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Contai Police Station Case No. 57 of 2016 dated 23.02.2016 under Sections 406/409/420 of the Indian Penal Code.

And

In Re : Byomkesh Panda petitioner

Mr. Amitabha Karmakar

.....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for more than three years. It is further submitted that he renews his prayer for bail.

Learned Additional Public Prosecutor submits that the petitioner has misappropriated a large sum of money and his prayer for bail was rejected earlier.

We have considered the materials on record. Allegations relate to misappropriation of fund belonging to an agricultural society. However, we note that the petitioner is in custody for more than three years and there is hardly any progress in the matter since the rejection of bail by this Court. Balancing the gravity of the offence on the one hand and protracted period of speedy under-trial detention under Article 21 of the Constitution on the other hand, we are of the opinion further detention is not necessary and petitioner may be granted bail.

Accordingly, we direct that the petitioner 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, Contai, Purba Medinipur, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)