

09.12.2021
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allowed

CRM 6152 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 79 of 2020 dated 20.04.2020 under Sections 341/447/325/326/307/34 of the Indian Penal Code subsequently adding Section 302 of the Indian Penal Code.

And

In Re : Amiya Biswas & Ors. petitioners

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Saryati Dutta

Mr. Antarikhya Basu

.....for the petitioners

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..... for the State

It is submitted by the learned Counsel appearing for the petitioners that they are in custody for 195 days. It is further submitted that the petitioners stand on better footing than co-accused Amit Biswas who has already been enlarged on bail.

Learned Counsel appearing for the State opposes prayer for bail and submits that the petitioners are identified by eye-witnesses.

We have considered materials on record. Petitioners stand on the same footing with co-accused persons who have already been enlarged on bail by co-ordinate Benches of this Court.

In view of the aforesaid fact and bearing in mind period of detention already suffered by the petitioners i.e. 195 days, we are inclined to extend the same privilege to the petitioners on principle of parity.

Accordingly, we direct that the petitioners 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 the learned Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to the condition that the petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)