

27.01.2021

Sl. No. 16 & 17

Srimanta

Ct. No. – 30

D/L

**CRA/443/2019
with
CRAN 4 of 2021
[Chintu Agarwal –Vs.- State of West Bengal]
with
CRA/475/2019
with
CRAN 2 of 2020 (Old No. CRAN 3550 of 2020),
CRAN 3 of 2020 (Old No. CRAN 3551 of 2020)
[Rajib Mishra –Vs.- State of West Bengal]**

(Via Video Conference)

Mr. Kaustav Bagchi, Adv.,
Mr. Gopal Das, Adv.

... for the appellant.

Mr. Ranabir Roychowdhury, Adv.

...for the State.

Having heard the Learned Advocate for the petitioner and the Learned Public Prosecutor-in-Charge, it is ascertained that co-accused/co-appellant, namely, Rajib Mishra was released on bail by a Coordinate Bench on 18th December, 2020. Though the appellant was convicted in this case for committing offence under Section 397 of the Indian Penal Code with other cognate penal provisions, it is pointed out by the Learned Advocate for the petitioner that no stolen article was recovered from him.

So he is on better footing than co-appellant, Rajib Mishra who is enjoying bail by virtue of the order dated 18th December, 2020.

Learned Public Prosecutor-in-Charge, on the other hand, submits that paper book has been made ready in the

instant appeal and final hearing of the appeal can be made at an early date. He, however, has not submitted anything with regard to the prayer for bail made by the petitioner.

As co-appellant is on bail and the present petitioner is on better footing, he is entitled to bail. Moreover, the punishment for committing offence under Section 397 of the Indian Penal Code was awarded by the Learned Trial Judge to the tune of rigorous imprisonment for seven years. The petitioner is in custody for more than five years.

For the reasons stated above, the petitioner is enlarged on bail upon furnishing bond of Rs.20,000/- with two sureties of Rs.10,000/- each, one of whom must be a local surety, subject to the satisfaction of the Learned Chief Judicial Magistrate, Howrah and on further condition that he will attend the Court on the date of hearing of appeal, if the Court so requires.

Since paper book is ready in connection with the appeal, the appeal be fixed for hearing in the Combined Monthly List of **March, 2021**.

(Bibek Chaudhuri, J.)