

15.11.2021
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Sdas
Partly Allowed

CRM 7189 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 775 of 2021 dated 28.07.2021 under Sections 406/420/467/468/471/120B of the Indian Penal Code.

In Re : Santosh Hazra & Ors. petitioners

Mr. Arindam Roy

.....for the petitioners

Mr. Debabrata Chatterjee, learned A.P.P.

Mrs. Manasi Roy

....for the State

Petitioners pray for bail. It is contended by the learned Counsel appearing for the petitioners that they are in custody for over 100 days. Investigation is complete and the alleged incriminating articles have already been recovered.

Learned Counsel appearing for the State opposes the prayer for bail and submits from the residence of the petitioner no. 1 forged and fabricated documents which had been used to induce job seekers to pay money had been recovered. Other petitioners are abettors in the crime.

We have considered the materials on record. There are prima facie evidence connecting the petitioner no. 1 with the alleged crime and forged and fabricated documents were recovered from his possession. Hence, we are not inclined in granting bail to the petitioner no. 1 at this stage.

Accordingly, application for bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, in the light of extent of complicity of the petitioners no. 2, 3 and 4 in the alleged crime and as no incriminating articles were recovered from their possession and investigation is complete, we are inclined in granting bail to them.

Accordingly we direct that the petitioners no. 2, 3 and 4 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 Chief Judicial Magistrate, at Berhampore, Murshidabad on condition that they shall meet the investigating officer once in a week until further orders and they 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioners no. 2, 3 and 4 are concerned.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

