

22.11.2021

CRM 7489 of 2021

Court No.28
Item No.28
(ALLOWED)

Ab

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 10.11.2021 in connection with Bankura Police Station Case No. 97 of 2021 dated 11.06.2021 under Section 394 of the Indian Penal Code and Sections 25/27 of the Arms Act;
And

In the matter of : **Debdas Das @ Gopi.**

...Petitioner

**Mr. Jayanta Naryan Chatterjee,
Mr. Koushik Chowdhury,
Ms. Nandini Chatterjee,
Ms. Bushra Khatoon.**

...For the Petitioner.

**Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Bankura Police Station Case No. 97 of 2021 under Section 394 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Learned Lawyer for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Three accused persons were placed in Test Identification Parade. The investigating agency did not make any endeavor to place the petitioner in Test Identification Parade to rope him in the commission of offence. No incriminating articles, namely, stolen articles have been recovered from the possession of the petitioner. As such, learned Lawyer submits that the petitioner may be granted bail.

Learned Lawyer appearing for the State opposes the prayer for bail. He submits that the petitioner was outside the jewelry shop from where the dacoity took place. Under such circumstances, learned Lawyer submits that the prayer for bail of the petitioner is

liable to be rejected.

Having heard the learned Lawyers appearing for the parties and on perusal of the materials in the case diary, we find that one motorcycle was seized from the possession of the petitioner. From the materials in the case diary, we do not find sufficient incriminating materials, which are attributable to the commission of offence by the petitioner.

Having considered all aspect of the matter, we are inclined to release the petitioner on bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Bankura, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 7489 of 2021, is thus **allowed.**

(Harish Tandon, J)

(Rabindranath Samanta, J.)