

07.12.2021
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allowed

**CRM 7958 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 286 of 2021 dated 23.06.2021 under Sections 302/201/396 of the Indian Penal Code.

And

In Re : Bharat Das @ Bhorat petitioner

Mr. Khalid Hasan

.....for the petitioner

Mr. Ranabr Roy Chowdury

Mr. Mainak Gupta

..... for the State

Learned Counsel appearing for the petitioner submits that he is in custody for 150 days. It is further submitted he was not present at the spot and has been falsely implicated in the instant case. It is also submitted that a separate case was registered with regard to recovery of stolen article wherein the petitioner has been granted bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. It appears that the petitioner was not present at the place of occurrence but stolen articles were recovered from him. Co-accused persons similarly situated with the petitioner are on bail. In view of the aforesaid facts and the extent of complicity of the petitioner in the crime, we are inclined to grant bail to him.

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, Krishnagar, Nadia, 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.)