

21.12.2021
Item 140
Court No.28.
AB

CRM No. 8599 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ramnagar P. S. Case No.114 of 2021 dated 5.7.2021 under Sections 409 of the Indian Penal Code

And

**In the matter of : Mohitosh Chandra Gayen
@ Mohitosh Gayen**

.....Petitioner.

Mr. K. K. Bhattacharyafor the Petitioner.

Mr. Abhra Mukherjee,
Mr. Dipankar Mahatofor the State.

It is submitted on behalf of the petitioner that he is in custody for 21 days. It is further submitted that he has been falsely implicated in the instant case.

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

We have considered the materials on record. Keeping in mind the facts and circumstances of the case, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail.

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, Diamond

Harbour, 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, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)