

21.05.2021
SL No.67
Court No.28
(gc)

CRM 11122 of 2020
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Arambagh Police Station Case No.409/2013 dated 22.06.2013 under Sections 409/120B of the Indian Penal Code.

And

In the matter of : **Palash Chandra Dey @ Palas Ch. Dey**
@ Appu Dey @ Bapi Dey

- Petitioner

Mr. Sumanta Ganguly,
... For the Petitioner.

Mr. N. Ahmed,
Smt. Sreeparna Dey,
... For the State.

It is submitted on behalf of the petitioner that he was granted bail in connection with the present case and on 9/9/2015 as he was unable to appear before the learned Trial Court due to his remaining in custody in connection with another case, warrant of arrest was issued against him. Pursuant to issuance of warrant of arrest, the petitioner was shown arrested in the present case and is in custody since then.

Upon consideration of the entire materials placed before us, it is clear that the petitioner was on bail in connection with the present case before the learned Trial Court and warrant of arrest was issued against him as he failed to appear before the said Court. The reason assigned by the petitioner for such absence is that he was in custody in connection with another case at the relevant time.

In our considered view, as the petitioner was on bail in connection with the present case, we have not taken into account the merits of the present case and are inclined to hold that the petitioner should be granted the same liberty that he was enjoying earlier. Accordingly, the prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Palash Chandra Dey @ Palas Ch. Dey @ Appu Dey @ Bapi Dey**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate at Arambagh, Hooghly 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 and on further condition that the petitioner shall stay outside the jurisdiction of Arambagh Police Station and shall not enter the said jurisdiction except for meeting the Officer-in-Charge and/or attending the Court proceeding and shall meet the Officer-in-Charge once a week until further orders and shall disclose his present address to the Officer-in-Charge and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

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, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.11122 of 2020, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)