

07.03.2022
Court No.32
Item No. 30
Avijit Mitra

C.R.M. (DB) No.277 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Nemai Roy

Petitioner

Mr. Prabir Majumdar

For the Petitioner

Mr. Anwar Hossain,
Mr. Firoj Ahmed Begg

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Hanskhali Police Station Case No.571 of 2020 dated 27.10.2020 under sections 341/326/307/34 of the Indian Penal Code.

Heard the learned advocates appearing for the respective parties.

Upon assessing the materials on record, it *prima facie* appears that the petitioner is similarly situated with one Gour Chandra Sarkar @ Gour who had already been enlarged on bail by this Court. On the ground of parity and since investigation is over and the petitioner has already suffered detention for more than 154 days, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Nemai Roy**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia with a further condition that the petitioner shall not enter the jurisdiction of Hanskhali Police Station until further orders and shall attend the learned Court below on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for bail, being CRM (DB) No.277 of 2022, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)