

01.03.2022

44

Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 571 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Panskura** Police Station Case No. **399** of **2021** dated **13.09.2021** under Sections 376/511/307/326/506B/34 of the Indian Penal Code.

And

In Re : Samir Ghorai @ Samir Kumar Ghorai & Ors.

..... petitioner

Mr. Suman De

.....for the petitioner

Mr. Rudradipta Nandy

....for the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that, initially, prayer for anticipatory bail was rejected on January 28, 2022. The petitioner surrendered and applied for bail. In the application for bail, the petitioner did not state that their application for anticipatory bail stood rejected by the High Court. Bail was granted by the Jurisdictional Court. On the prayer made by the de-facto complainant, such bail was cancelled and the petitioners are taken into custody. The petitioners are now in custody for thirty days. The police filed charge-sheet and, therefore, further detention of the petitioners are not required.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the fact that the police filed charge-sheet and considering the period of detention of the petitioners, we grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Chief Judicial Magistrate, Purba Medinipur**, subject to the condition that the petitioners 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 petitioners fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioners automatically without reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)