

C.R.M. (DB) 947 of 2022

11.04.2022
Sl. 58
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Moyna** Police Station Case No. **235** of **2019** dated **14.10.2019** under Sections **302/120B** of the Indian Penal Code.

And

In the matter of: **Dhruba Rout @ Dhruba Routh @ Dhurba Routh @ Dhrubacharan Routh**

....petitioner.

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

... for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of 372 days and the petitioner stands on the same footing as that of Khokan Khutia who was enlarged on bail on February 3, 2022 passed in CRM 8669 of 2021. The petitioner should, therefore, also be granted bail.

Learned advocate appearing for the State submits that there are at least 11 criminal antecedents so far as the petitioner is concerned. The petitioner was declared as a proclaimed offender. There are a number of co-accuseds who are yet to be arrested. Therefore, the petitioner cannot claim parity with that of Khokan Khutia.

The earlier order of rejection of the prayer for bail was on November 10, 2021 passed in CRM 6702 of 2021. In such rejection, finding was returned that the petitioner herein stands on the same footing as that of Khokan Khutia. Renewal prayer for Khokan Khutia was considered by the co-ordinate bench on February 3, 2022 and allowed. While doing so, the co-ordinate bench considered the fact

that the prayer of Khokan Khutia was last rejected on November 10, 2021.

In view of the finding returned in CRM 6702 of 2021 on November 10, 2021 that the petitioner herein and Khokan Khutia stand on the same footing and considering the fact that the co-ordinate bench later enlarged Khokan Khutia on bail and considering the period of detention of the petitioner, we are constrained to extend the same facility to the petitioner herein.

Accordingly, the petitioner 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 Chief Judicial Magistrate, Tamluk, Purba Medinipur subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (DB) 947 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

