

25.04.2022

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C.R.M. 3157 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : Avijit Gope @ Bhombal petitioner

Mr. Sourav Chatterjee
Mr. Soumyajit Das Mahapatra
... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
... for the State

Report is placed on record.

Petitioner appears to have complied with the conditions imposed upon him.

Mr. Chatterjee, learned Counsel appearing for the petitioner submits prayer for cancellation of bail of co-accused had been dismissed by this Court vide order dated 06.04.2022. Petitioner stands on the same footing with the said co-accused. His interim bail may be confirmed subject to same terms and conditions.

Mr. Ghosh, learned Counsel appears for the State.

Having heard the learned Counsels appearing for the parties and considered the order dated 06.04.2022 in CRM 4893 of 2020 wherein prayer for cancellation of anticipatory bail of co-accused Biswajit Gope was turned down, we are inclined to confirm the bail granted to the petitioner subject to the

condition that he shall not enter the jurisdiction of Kotwali Police Station except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the officer-in-charge, Kotwali Police Station as well as court below and shall report to the concerned officer-in-charge within whose jurisdiction he shall reside while on bail once in a week until further orders.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

