

24.06.2022

Item No.67
SB

C.R.M. (SB) 137 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Bidhannagar North Police Station Case No. 257 of 2021 (G.R. case no. 1506 of 2021) dated 11.12.2021 under Sections 354/34 of the Indian Penal Code, 1860.

And

In Re : **Abhishek Malakar @ Abhisek Malakar**

... Petitioner

Mr. Tarunjyoti Tewari

... For the Petitioner

Mr. Binay Panda

Mr. Subham Bhakat

... For the State.

It is submitted on behalf of the learned advocate for the petitioner that the petitioner is innocent and no way connected with the alleged occurrence and the allegation against him that he was driving the vehicle and that he is in custody since 11th December, 2021. The charge has already been framed and the matter is pending for trial and the principal accused of this case namely, Sandip Kumar Paul has been granted bail by a coordinate bench of this court vide order dated 17th June, 2022. The present petitioner is in better footing and if he is released on bail, he will be available during trial.

Learned advocate for the State submits that the other co-accused is on bail and his trial is going on and he has got no objection if the present petitioner is released on bail on

condition that he will make himself available during the course of trial.

Considered the submissions made by both the parties. In view of the facts and circumstances of the case, period of detention of the petitioner and that the other co-accused is on bail and the trial has commenced and there is nothing to show that the petitioner has not made any co-operation either with the Investigating agency or during trial, the petitioner may be enlarged on bail. As such, the prayer for bail is **allowed**.

Accordingly, I direct that the petitioner, namely, **Abhishek Malakar @ Abhisek Malakar** shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Barasat and also on further condition that the petitioner will not influence or threaten any witness on behalf of the prosecution in course of trial and he will attend the court each and every date when he will ask by the court to appear.

The application for bail, being CRM (SB) 137 of 2022, is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ajoy Kumar Mukherjee, J.)