

02.08.2022
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 2091 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.06.2022 in connection with Garhbeta Police Station Case No.9 of 2022 dated 06.01.2022 under Sections 379/411/413/414/34 of the Indian Penal Code and Section 21(4) of the Mines and Minerals (Development and Regulation) Act. (G.R. Case No.14 of 2022)

And

In Re: ***Babar Ali Bhangji***

... .. Petitioner

Md. Sabir Ahmed
Mr. Bhaskar Hutait
Mr. Mujibar Ali Naskar

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 87 days.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner while on interim bail manufactured documents to screen the owner of the vehicle from legal punishment.

We have considered the materials on record. Incriminating articles have already been seized. Petitioner was subjected to custodial interrogation. No further recovery was effected. He does not have criminal antecedents. Co-accused i.e. owner of the vehicle is already in custody. Under such circumstances, we are of the opinion further detention of the accused/petitioner for progress of investigation is not necessary.

Therefore, the accused/petitioner, namely ***Babar Ali Bhangji***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom

must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Garhbeta, Paschim Medinipur subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)