

14.07.2022
SI. No.25
akd
[ALLOWED]

C. R. M. (DB) 2301 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.07.2022 in connection with Bagdah Police Station Case No. 424 of 2022 dated 08.06.2022 under Sections 143/186/333/353/188/307/341/290/120B of the Indian Penal Code, Section 9 of the West Bengal Maintenance of Public Order Act and Section 3 of the Prevention of Damage to Public Property Act. (G.R. Case No.1847 of 2022)

And

In Re: ***Rabin Karmakar & Anr.***

... .. Petitioners

Mr. Arnab Chatterjee
Ms. Dhanasre Biswas
Ms. Pramita Banerjee

... .. for the petitioners

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Ayantika Ray

... .. for the State

It is submitted on behalf of the petitioners they are in custody for about 35 days. It is further submitted an agitation took place in the locality over inaction of police with regard to murder of a boy in the locality. A civic volunteer had been accused of the murder. It is also submitted petitioners have been falsely implicated in the instant case.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners and others assaulted police personnel.

We have considered the materials on record. Though statements of witnesses state the petitioners were present as the members of the group, allegations levelled against them are general and omnibus in nature. Injuries suffered by police personnel are minor. Keeping in mind the aforesaid facts and period of detention suffered by the petitioners, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) *Rabin Karmakar* & (2) *Mahadeb Karmakar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bongaon, North 24-Parganas subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)