

01.08.2022
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C.R.M. (DB) NO. 2536 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 139 of 2018 dated 17.02.2018 under Sections 302/34 of the Indian Penal Code.

And

Allowed

In Re : Tumpa Sardar & Anr. petitioners

Md. Yunus Mondal
Mr. Pronojit Roy

..... for the petitioners

Mr. Neguive Ahmed, learned APP
Ms. Trina Mitra

..... for the State

Learned Counsel appearing for the petitioners submits petitioners were initially enlarged on bail but due to miscommunication they were unable to appear on a single day i.e. 17.12.2021 and warrant of arrest was issued against them. They were re-arrested and are presently in custody.

Learned lawyer for the State opposes the prayer for bail and submits trial is in progress.

We have considered materials on record. Petitioners were enlarged on bail in 2019. They were unable to appear on 17.12.2021 and warrant of arrest was issued against them. Thereafter they were re-arrested in February, 2022.

In view of the aforesaid circumstances, we are of the opinion petitioners may be released on bail, however, subject to strict conditions.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat at North 24-Parganas, on conditions that the 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 and on further condition that the petitioners shall remain within the jurisdiction of Duttapukur Police Station except for the purpose of attending trial proceedings until further orders.

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 further reference to this court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)