

08.09.2022.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3022 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Garhbeta P. S. Case No.123 of 2022 dated 17.03.2022 under Sections 379/406/420/409/467/411/120B/34 of the Indian Penal Code and Section 3 of the Prevention of Damages to the Public Property Act and Section 33 of the Indian Forest Act.

In the matter of : Riyajul Khan & Anr.

.... Petitioners.

Mr. Kishore Dutta, Ld. Sr. Adv.,
Mr. Arnab Chatterjee,
Ms. D. Biswas,
Mr. Soumen Chatterjee.

...for the Petitioners.

Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Sonali Das.

...for the State.

Petitioners are in custody for 135 days. It is submitted they are not the principal accuseds and has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits proceeds of crime were transferred to the petitioner by the principal accused i.e. Prodhan of gram panchayat.

We have considered the materials on record. Statements of witnesses and other materials do not show role of the petitioners in the illegal sale of eucalyptus trees. Whether the money trail of the proceeds of crime implicates the petitioner may be assessed during trial.

In view of the aforesaid circumstances and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall 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 Additional Chief Judicial Magistrate, Garhbeta, Paschim Medinipur subject to condition that they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)