

08.09.2022
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allowed

CRM(DB) No. 3047 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 94 of 2020 dated 19.02.2020 under Sections 406/420/468/471/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 406/409/381/420/468/471/120B of the Indian Penal Code.

And

In Re : Arka Dutta petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Somnath Adhikary

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Manisha Sharma

..... for the State

Learned Counsel for the petitioner submits he is in custody for 79 days. It is also submitted co-accused Jaynal Abedin, who was the gold appraiser, has been granted pre-arrest bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Keeping in mind extent of complicity of the petitioner in the alleged crime and as co-accused Jaynal Abedin who was the gold appraiser has been granted pre-arrest bail, we are of the opinion further detention of the petitioner for progress of investigation is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall 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 Judge, Special Court, Berhampore, Murshidabad, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)