

08.09.2022
tkm/ct 28
sl no.37

C.R.M. (DB) 3058 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habibpur P.S case no. 147 of 2022 dated 5.5.2022 under sections 448/506/323/325/395 of the Indian Penal Code
And

Allowed

In Re : Mahadeb Ghosh @ Kalu Ghosh & Anr. petitioners

Mr. S Majumder

..... for the petitioners

Mr. M Sur

Mr. M Mahata

..... for the State

Petitioners are in custody for more than 100 days. Investigation is complete. It is contended that they were not put up for identification in TI parade. They pray for bail.

Learned lawyer for the State opposes the prayer for bail and submits stolen cash was recovered from petitioner no. 2. A 'katari' and 'gamcha' were recovered from petitioner no. 1.

We have considered materials on record. Stolen cash was recovered from petitioner no 2. Whether the recoveries made from petitioner no. 1 are connected with the offence requires to be assessed during trial.

Keeping in mind the aforesaid facts, we are inclined to grant bail to petitioner no. 1 but not to petitioner no. 2.

Accordingly, petitioner no. 1 namely Mahadeb Ghosh @ Kalu Ghosh released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, Malda on condition that he 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 being CRM (DB) 3058 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)