

11.02.2022
Court No.32
Item No.34
Avijit Mitra

C.R.M.9031 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : Nemai Roy

.... Petitioner

Mr. Prabir Majumder

...for the petitioner

Mr. Binay Panda,

Ms. Puspita Saha

...for the State

The present application for bail has been preferred in connection with Hanskhali Police Station Case No. 569 of 2020 dated 27.10.2020 under Sections 341/326/307/34 of the Indian Penal Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Co-accused has been granted bail by a Coordinate Bench of this Court. The present petitioner is not the principal accused who had direct complicity in the alleged offence as it appears from the statement of the witnesses and other materials. The petitioner is in custody for 131 days. Chargesheet has been filed. Further detention of the petitioner is not necessary. Therefore, we are inclined to exercise our discretion in favour of the petitioner.

Accordingly, we allow this application and direct that the petitioner, namely, **Nemai Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount

each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.9031 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)