

14.09.2022
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3101 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2022 in connection with Bhagwangola Police Station Case No. 93 of 2020 dated 19.02.2020 under Sections 406/409/381/120B 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. Advocate
Mr. Somnath Adhikary

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted petitioner has been enlarged on bail in another case being Bhagwangola Police Station Case No.94 of 2020 registered on selfsame facts. He prays for bail in the present case.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. In view of the complicity of the petitioner in the alleged crime, he had been enlarged on bail in Bhagwangola Police Station Case No.94 of 2020. It is contended present case has been registered on selfsame facts which is not disputed by the learned advocate for the State. Under such circumstances, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely **Arka Dutta**, 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 subject to condition that the said petitioner 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)