

21.09.2022
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 3100 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2022 in connection with Bantra Police Station Case No.43 of 2022 dated 09.02.2022 under Sections 395/397/412/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: **Biki Mallick @ Vicky**

... .. Petitioner

Mr. Shataroop Purukayastha

Ms. Jagriti Bhattacharya

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor

Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 218 days. Co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and co-accuseds had committed dacoity. Stolen booty was recovered from them. They were identified in Test Identification parade.

We have considered the materials on record. Allegations are grave. However, co-accuseds including one Shankar Chowdhury @ Majhi from whom a major portion of the booty was recovered are on bail. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Biki Mallick @ Vicky**, 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 Chief Judicial

Magistrate, Howrah 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Howrah Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

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.)