

29.09.2022
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allowed

CRM(DB) No. 3257 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla Police Station Case No. 200 dated 03.06.2015 under Sections 366A/370/370A/373/120B of the Indian Penal Code.

And

In Re : Pramod Mahato petitioner

Mr. Satadru Lahiri

.....for the petitioner

Mr. Neguive Ahmed

Ms. Ayantika Roy

..... for the State

Learned Counsel for the petitioner submits he was on bail. Due to miscommunication he was unable to appear before the court below and his bail came to be cancelled. He is presently in custody for 146 days. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner had intentionally failed to appear before the court below, as a result his bail came to be cancelled.

We have considered materials on record. Though the conduct of the petitioner does not appear to be apprehensible in spite of repeated queries prosecuting agency is unable to apprise this Court with regard to the dates on which proposed vulnerable witnesses may be examined.

Under such circumstances this Court is constrained to enlarge the petitioner on bail, however, subject to strict conditions.

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 Additional Chief Metropolitan Magistrate- I, Calcutta, 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 and on further conditions that while on bail petitioner shall not enter into the jurisdiction of Municipality of Calcutta except for the purposes of attending court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as court below. He shall not report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)