

28.09.2022
as/ct 28
sl no. SL 70

C.R.M. (DB) 3338 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bamongola P.S. Case No. 124 of 2022 dated 12.05.2022 under Section 395/412/120B of the Indian Penal Code 1860.

Allowed

In Re : Ravi Shinde & Anr.

..... petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

..... for the petitioners

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Manoranjan Mahata

..... for the State

It is submitted on behalf of the petitioners that they were not put up for identification during investigation. Stolen articles have already been recovered. They pray for bail.

Learned Additional Public Prosecutor for the State opposes the prayer for bail and submits stolen articles were recovered from the possession of the petitioners.

We have considered the materials on record. Petitioners were not put up for identification during investigation. Stolen articles have already been recovered. Whether they participated in the dacoity may be assessed in the light of the aforesaid factual matrix during trial.

Keeping in mind the aforesaid fact, period of detention suffered by the petitioners and as investigation is complete, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM(DB) No. 3338 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)