

04.11.2022.
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as
(Allowed)

C.R.M. (DB) 3857 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani P. S. Case No.536 of 2022 dated 19.09.2022 under Sections 272/273/420 of the Indian Penal Code.

In the matter of : Jishu Dey.

.... Petitioner.

Ms. Rupsa Sreemani.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for 46 days. It is submitted there is no material to show that the seized food product is injurious to human health.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Food items have already been seized. No FSL report is placed before us that the food item is injurious to health.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani

subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)