

04.11.2022

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Allowed

CRM (DB) No. 3868 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 220 of 2018 dated 12.08.2018 under Sections 341/323/325/307/504/506/120B/34 of the Indian Penal Code.

And

In Re : Kalosona @ Dipkumar Dalui & Anr. petitioners

Mr. Kashiwar Ghosal

.....for the petitioners

Mr. Binay Panda

Ms. Puspita Saha

....for the State

Learned Counsel appearing for the petitioners submits they are in custody for 57 days. They pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits the petitioners had absconded for a protracted period of time.

We have considered the materials on record. Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion though further detention of the petitioners may not be necessary their movement requires to be restricted in order to ensure the attendance before the court below.

Accordingly, we direct that the petitioners shall 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 Additional Chief

Judicial Magistrate, Arambagh, Hooghly, on further conditions that while on bail they shall remain within the jurisdiction of Khanakul Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer in Charge of the Khanakul Police Station once in a week until further orders. Petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)