

10.11.2022
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allowed

CRM(DB) No. 3923 of 2022

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

And

In Re : Anil Shinde petitioner

Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 153 days. It is also submitted that he stands on the same footing with co-accuseds who have been enlarged on bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had conspired with others who committed dacoity. Stolen articles were recovered from his possession.

We have considered the materials on record. Co-accuseds, similarly circumstanced with the petitioner, have been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that 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 Chief Judicial Magistrate, Malda,

subject to condition that the petitioner 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 petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)