

16.11.2022.
23.
as
(Allowed)

C.R.M. (DB) 3987 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla P. S. Case No.253 of 2012 dated 17.06.2012 under Sections 392/397 of the Indian Penal Code.

In the matter of : Raj Kumar Das @ Appu.

.... Petitioner.

Mr. Sandip Chakraborty,
Mr. Manoj Malhotra,
Mr. Kaustav Das.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for six and half months. He submits he was on bail. Due to miscommunication with his lawyer, he failed to appear before the court below. Accordingly, warrant of arrest was issued and he was re-arrested. There is no progress in the matter since then.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner failed to appear before the court below on a number of days. As a result, warrant of arrest was issued and he was re-arrested. He is in custody for more than six and half months and there is no progress in the matter till date.

Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.

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 Chief Metropolitan Magistrate, Kolkata 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Burtolla Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Burtolla Police Station once in a week until further orders.

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.)