

23.12.2022.
45.
as
(Allowed)

C.R.M. (DB) 4555 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bantra P. S. Case No.174 of 2020 dated 03.10.2020 under Sections 302/34/120B of the Indian Penal Code.

In the matter of : Rakesh Roy.

.... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Kusal Kr. Mukherjee.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 109 days. Co-accuseds are on bail. Petitioner is not the principal accused. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is the prime conspirator. He had absconded resulting in delay in trial.

We have considered the materials on record. Petitioner had not shot at the victim. He is one of the conspirators. Co-accuseds are on bail.

Under such circumstances and in view of period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Rakesh Roy 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, Howrah 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.)