

05.01.2023
27
sdas
allowed

CRM(DB) No. 13 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 566 of 2021 dated 10.08.2021 under Sections 395/397 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 395/397/412 of the Indian Penal Code and Section 25(1)(a) of the Arms Act.

And

In Re : Balai Biswas @ Piyarawala petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
.....for the petitioner

Mr. Saswata Gopal Mukherjee, learned PP
Mr. Partha Pratim Das
Mrs. Manasi Roy
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 415 days. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Though stolen articles have been recovered petitioner was not put up for test identification parade. There is no progress in the matter since rejection of bail by this Court. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, on further conditions that while on bail the

petitioner shall remain within the jurisdiction of Krishnaganj Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Krishnaganj Police Station once in a week until further orders. 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.)