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allowed

CRM(DB) No. 14 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 197 of 2022 dated 25.03.2022 under Sections 272/273/420 of the Indian Penal Code and Section 16 of the Prevention of Food Adulteration Act.

And

In Re : Bhairab Biswas petitioner

Mr. Prabir Majumder

Mr. Snehansu Majumder

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 34 days. Investigation is complete. He prays for bail.

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

We have considered the materials on record including analysis report. Whether the ingredients of offence under Sections 272/273 of the Indian Penal Code are attracted requires to be assessed during trial. Other offences attract term imprisonment. There is no possibility of abscondence. 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 Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that 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.)