

31.01.2023.
15.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 44 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgah P. S. Case No.04 of 2011 dated 07.01.2011 under Sections 120B/148/307/326/149/302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Tapan Dey @ Chun Chun.

.... Petitioner.

Mr. Partha Pratim Das,
Mr. Monajit Chakraborti.

...for the Petitioner.

Mr. Amajit De, Spl. P.P..

...for the CBI.

Petitioner is in custody for more than eight years and eight months. He submits co-accuseds are on bail. He prays for bail.

Report is filed on behalf of the CBI in the crime vis-a-vis role of the petitioner and co-accuseds who are on bail. From the report it appears that the petitioner was not one of the accused persons who had fired at the mob resulting in death of number of persons. His role is more or less similar to the co-accuseds who are on bail.

Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioners viz., Tapan Dey @ Chun Chun 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, Paschim Medinipur 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.)