

10.01.2023
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allowed

CRM(DB) No. 66 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 73 of 2022 dated 27.01.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Gopal Ghosh & Anr. petitioners

Mr. Tapas Kumar Mondal

.....for the petitioners

Mr. Nguive Ahmed, learned APP

Ms. Trina Mitra

..... for the State

Learned Counsel appearing for the petitioners submits they are not the principal accuseds. Principal accused viz. Lalan Chandra Mandal has been enlarged on bail. They also pray for bail.

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

We have considered the materials on record. Petitioners are not the principal accuseds. Principal accused viz. Lalan Chandra Mandal has already been enlarged on bail. In this backdrop further detention of the petitioners is unjustified and they may be extended the same privilege.

Accordingly, we direct that the petitioners viz. 1) Gopal Ghosh and 2) Somnath Tribedi @ Bappa Tribedi shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, subject to conditions that petitioners shall deposit their passports, if they have, with the investigating officer; he shall report before the said officer as and when summoned; the petitioners shall not leave the limits of the district of Nadia where they reside without informing the I.C. and they 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)