

31.01.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 70 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Lalgarh Police Station Case No.04 of 2011, CBI, SCB, Kolkata Case No. RC3(S)/2011-Kol dated 21.02.2011 under Sections 120B/148/149/326/307/302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: ***Dalim Pandey***

... .. Petitioner

Mr. Anirban Das
Mr. Subham Kumar Das

... .. for the petitioner

Mr. Arun Kumar Maiti
Mr. Anirban Mitra
Mr. Amajit De

... .. for the CBI

It is submitted on behalf of the petitioner that he is in custody for more than eight years. It is further submitted petitioner is not one of the principal accuseds who fired at the victims. Co-accuseds similarly circumstanced with the petitioner have been enlarged on bail by the Hon'ble Apex Court as well as this court. He prays for bail on parity.

Report is placed on record with regard to the role of the petitioner vis-à-vis co-accuseds, who have been enlarged on bail. From the report it appears petitioner is not one of the accuseds who fired at the victims resulting in their death.

We have considered the materials on record. Role of the petitioner is more or less similar with that of the co-accused who has been enlarged on bail. There is no possibility of the trial concluding in near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail on principles of parity. .

Therefore, the accused/petitioner, namely ***Dalim Pandey***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)