

18.01.2023.
13.
as
(Allowed)

C.R.M. (DB) 80 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F. P. S. Case No.4 dated 06.05.2018 under Sections 413/400/120B of the Indian Penal Code read with Section 25(1 AA) of the Arms Act.

In the matter of : Jaysankar Pandey.

.... Petitioner.

Mr. Sandip Kr. Bhattacharyya,
Mr. Dipta Dipak Banerjee.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner is in custody for four years and eight months.

He prays for bail.

Status report is placed on record. Report does not enlighten the Court with regard to role of the petitioner vis-à-vis co-accused who is on bail. On repeated questions, we could ascertain petitioner is not one of the co-accuseds who had conveniently changed Counsels for engineering delay. He had always been represented by the same Counsel.

In this backdrop, we are of the opinion petitioner stands on the same footing with co-accused who has been enlarged on bail. Hence, we extend the same privilege to the petitioner.

Accordingly, the petitioner viz., Jaysankar Pandey 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 Judge, 5th Special Court,

Calcutta 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.)