

18.01.2023
37
sdas
allowed

CRM(DB) No. 211 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 147 of 2022 dated 05.05.2022 under Sections 448/506/323/325/395 of the Indian Penal Code and charge-sheet submitted under Sections 448/506/323/395/397/412 of the Indian Penal Code.

And

In Re : Biplab Ghosh @ Bipad petitioner

Ms. Minoti Gomes

Mr. Musharraf Alam Sk.

Mr. Ganga Prasad Mukherjee

Ms. Susmita Ghorai

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Arijit Ganguly

Mr. Arani Bhattacharya

..... for the State

Learned Counsel for the petitioner submits he is in custody for 253 days. It is also submitted that test identification examination was belatedly conducted. He renews his prayer for bail.

Learned Counsel for the State opposes the prayer for bail and submits stolen cash was recovered. He was identified in test identification parade. His bail prayer had been rejected earlier.

We have considered the materials on record. Test identification examination was conducted six months after the arrest of the petitioner. Keeping in mind the aforesaid circumstance, 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, Malda, 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.)