

31.01.2023
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allowed

CRM(DB) No. 364 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 09 of 2022 dated 08.01.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Gurupada Dolai @ Dolui & Ors. petitioners

Mr. Amit Ranjan Pati
Mr. Ashok Halder
Ms. Reshmi Mukherjee
Mr. Nilangshu Samanta
Mr. Sunayan Ghosh

.....for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata

..... for the State

Learned Counsel appearing for the petitioners submits they are in custody for 138 days. It is also submitted that they are not the principal accuseds. They stand on the same footing with co-accuseds who have been enlarged on bail. They 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. They stand on the same footing with the co-accuseds who have been enlarged on bail. Accordingly, we are inclined to grant bail to the petitioners on parity.

Accordingly, we direct that the petitioners viz. 1) Gurupada Dolai @ Dolui (2) Subha Dolai @ Dolui 3) Basudeb Dolai @ Dolui and 4) Rabindranath Nayek 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 Chief Judicial Magistrate, Tamluk, Purba Medinipur, subject to conditions that petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)