

14.03.2023
tkm/ct 28
sl no. 34

C.R.M. (DB) 923 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ballygunge DD P.S case no. 1 of 2022 dated 8.1.2022 under sections 120B/387/395/397 of the IPC
and

Allowed

In Re : Sourav Paliwar

..... petitioner

Mr. Ayan Bhattacharya

Mr. K K Tiwary

Mr. K K Mukherjee

Mr. Rahul Das

..... for the petitioner

Mr. Debashish Roy, Spl PP

Mr. R D Nandy

Ms. Sonali Das

..... for the State

Petitioner is in custody for 371 days. It is submitted he is not the principal accused. He was in custody in connection with another case at the time of occurrence. He has been falsely implicated in the instant case. He prays for bail.

Learned Special PP with Mr. Nandy opposes the bail prayer. He submits petitioner has criminal antecedents. Date has been fixed for recording evidence.

We have considered the materials on record. It is true petitioner has criminal antecedents. But his complicity in the present case transpires primarily from statements of co-accuseds.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional District and Sessions Judge, 15th Court, Alipore, South

24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 923 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)