

17.04.2023
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allowed

CRM(DB) No. 1496 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 193 dated 29.04.2022 under Sections 395/412/363/368/342/120B/34 of the Indian Penal Code and charge-sheet submitted under Sections 395/412/ 363/368/ 342/ 120B/34 of the Indian Penal Code.

And

In Re : Mukesh Shrestha @ Mukesh Sreshtha petitioner

Mr. Debapriya Samanta

....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.... for the State

Learned Counsel for the petitioner submits co-accused Avinaw Dokania has been enlarged on bail. He renews his prayer for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. No prayer for putting the petitioner up for test identification parade was made by the investigating agency. Hence his identification was done under suspicious circumstances. Avinaw Dokania who stands on the same footing with the petitioner has been enlarged on bail. Accordingly, we are inclined to grant same privilege 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 Additional Sessions Judge, 1st court,

Asansol, subject to conditions 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 and on further condition that the petitioner while on bail shall not leave the jurisdiction of the district of Paschim Bardhaman and report to the Inspector-in-charge, Jamuria Police Station once in a week until further orders.

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.)