

10.05.2023.
60.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1852 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dumdum P. S. Case No.468 of 2022 dated 22.06.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

In the matter of : Ayush Dixit @ Ayush Kumar Dixit @
Chhotu & Anr.

.... Petitioners.

Mr. Debabrata Roy,
Mr. Sankar Halder.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Petitioners are in custody for 300 days. It is submitted co-accused is on bail. They pray for bail.

Learned Advocate for the State produces the Case Diary.

We have considered the materials on record. Bail prayer of the petitioner no.1 was rejected earlier on the erroneous premise that he had been identified in T. I. Parade. None of the petitioners were identified in T. I. Parade. Under similar circumstances, co-accused Raj Das @ Bonny has been enlarged on bail.

Hence, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners 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 Additional Chief Judicial Magistrate, Barrackpore, North 24-Paraganas subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)