

15.05.2023
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allowed

CRM(DB) No. 1890 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kasba Police Station Case No. 172 of 2021 dated 26.06.2021 under Sections 120B/419/420/467/468/471/170/188/276 of the Indian Penal Code read with Section 58(1) of Disaster Management Act.

And

In Re : Ashoke Kumar Roy @ Ashok Roy petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Sabyasachi Banerjee

Mr. Avik Ghatak

Mr. Abhinav Rakshit

Mr. N. Singh

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mrs. Sonali Das

.... for the State

Learned Counsel for the petitioner submits he is in custody for 646 days. He renews his bail prayer.

Learned Counsel for the State submits petitioner along with co-accused had hatched a conspiracy and set-up fake vaccination camps. Trial is in progress.

We have considered the materials on record. Offences are triable by the Magistrate. Charge was framed on 18th July, 2022 and only two witnesses have examined till date. There is little possibility of trial concluding in the near future. Keeping in mind the aforesaid fact and statutory mandate under sub Section (6) of Section 437 of the Criminal Procedure Code, 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.25,000/- with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, 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.

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.)