

07.06.2023
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allowed

CRM(DB) No. 2106 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 762 of 2022 dated 27.11.2022 under Sections 448/325/326/307/427/379/506/34 of the Indian Penal Code.

And

In Re : Bhuban Pal @ Arup Kumar Pal

..... petitioner

Mr. Sourav Chatterjee
Md. G. N. Imrohi

....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. Santanu Deb Roy

.... for the State

Learned Counsel for the petitioner submits he is in custody for about two months. It is also submitted that investigation is complete. Further detention of the petitioner is not necessary. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits pre-arrest bail of the petitioner was cancelled by a co-ordinate Bench.

In reply, it is submitted that he surrendered before the jurisdictional court within the time stipulated in the order.

We have considered the materials on record. Allegations against the petitioner are general and omnibus. Parameters of grant for regular bail stands on a different footing from pre-arrest bail. Co-accused are on regular bail. Investigation is complete. There is no possibility of his abscondence. Accordingly, 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.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore, subject to the condition 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.)