

11.07.2023.
48.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2441 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amherst Street P. S. Case No.121 of 2021 dated 24.06.2021 under Sections 120B/419/420/467/468/471/474/170/307/274/275/276/188 of the Indian Penal Code and Section 51(b) of the Disaster Management Act.

In the matter of : Arabinda Baidya.

.... Petitioner.

Mr. Rabi Sankar Chattopadhyay,
Mr. Uday Sankar Chattopadhyay,
Mr. Sayan Chattopadhyay,
Ms. Esha Das.

...for the Petitioner.

Mr. Rudradipata Nandy, Id. A.P.P.,
Mr. Subrato Roy,
Ms. Sonali Das.

...for the State.

Petitioner is in custody for two years. He submits he is a security guard and is not the principal accused. There was belated T. I. Parade identification. There is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner was the security guard of the principal accused Debanjan Deb. He played a role in the conspiracy of setting up of fake vaccination camp.

We have considered the materials on record. Petitioner was the security guard of the principal accused Debanjan Deb. T. I. Parade examination of the petitioner was conducted four months after his arrest. The other evidence pertains to the statement of a tailor to whom the principal accused Debanjan

Deb was introduced by the petitioner. Credibility of the said statement require to be assessed during trial.

Keeping in mind the aforesaid circumstances, period of detention suffered by the petitioner and as there is little possibility of trial concluding in the near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Arabinda Baidya 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 Metropolitan Magistrate, Kolkata subject to condition that he 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 petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)