

11.07.2023.
49.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2443 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/419/420/467/468/471/474/307/274/275/276/170/188 of the Indian Penal Code and Section 51(b) of the Disaster Management Act.

In the matter of : Sarat Patra.

.... Petitioner.

Mr. Sandipan Ganguly, Id. Sr. Adv.,
Mr. Avik Ghatak,
Mr. Soumya Nag,
Mr. Abhinav Rakshit,
Ms. Priyanka Sarkar.

...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 in no way connected with the fake vaccination camp. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner has been identified by one of the victims during T. I. Parade examination.

We have considered the materials on record. Identification was four months after arrest of the petitioner. He is in custody for more than two years. Prosecution proposes to examine a large number of witnesses and there is no possibility of trial concluding in the near future.

Keeping in mind the aforesaid circumstances particularly the protracted 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., Sarat Patra 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 Chief Metropolitan Magistrate-II, 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.)