

12.07.2023
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allowed

CRM(DB) No. 2766 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hastings Police Station Case No. 78 of 2021 dated 04.07.2021 under Sections 279/304(P-II)/427 of the Indian Penal Code.

And

In Re : Billu Yadav petitioner

Mr. Arindam Sen

Mr. Sourav Basu

Mr. Asit Bera

....for the petitioner

Mr. Neguive Ahmed, learned APP

Ms. Trina Mitra

.... for the State

Learned Counsel for the petitioner submits he was on bail Due to circumstances beyond control he failed to appear and warrant of arrest came to be issued. Subsequently, he appeared before the court and was taken into custody. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had misused his liberty and absconded.

We have considered the materials on record. Due to miscommunication petitioner was unable to appear before the trial court. Subsequently he voluntarily surrendered on 3rd June, 2023. He is in custody since then. Under such circumstances, 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 Metropolitan Magistrate, Calcutta, 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.)