

19.07.2023
Serial no. 3
[G.S.D]

CRM (SB) 145 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **G.R. Case No. 585 of 2022 arising out of Mongalkote P.S. Case No. 147 of 2022 dated 05.06.2022 under Section 115/120B of the Indian Penal Code read with Section 25(1)(B) of the Arms Act.**

-And-

In the matter of : Nayan Sk.

... .. Petitioner

Mr. Sachit Talukdar
Mr. Tirtharaj Ghoshal

... .. For the Petitioner

Mr. Swapan Banerjee
Mr. Suman De

... ..*For the State*

Mr. Talukdar, Learned Advocate appearing for the petitioner, submits that the petitioner is in custody for 57 days and the majority of the accused persons, who were arrested in connection with the case, have been released on bail.

Learned Advocate submits that the present petitioner is on a better footing amongst the rest of the accused persons, who have been granted bail and, as such, on any stringent condition, the petitioner may be released on bail.

Mr. De, Learned Advocate for the State, submits on the other hand, that one of the accused persons is absconding. However, the rest of the accused persons, who

were arrested in connection with the instant case, have been released on bail.

Having regard to the period of detention of the petitioner and the factum that the petitioner is similarly situated as the other accused persons, who have been released on bail, I am of the view that the petitioner may be granted the same privilege of bail.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Nayan Sk. shall be released on bail upon furnishing bond of Rs.10,000/-(Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Katwa.

If on bail, the petitioner shall meet with the Investigating Officer of the case once in a fortnight till the charge-sheet is submitted. The petitioner shall inform his address to the Learned ACJM, Katwa as also to the I.O. of this case. In case of any change of address of the petitioner, the same also be brought to the notice of both the authorities. The petitioner shall not leave the District of Burdwan without the permission of the Learned ACJM, Katwa.

Accordingly, CRM(SB) 145 of 2023 is disposed of. Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)