

25.07.2023
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allowed

CRM(DB) No. 2947 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 643 of 2022 dated 05.10.2022 under Sections 356/379/34 of the Indian Penal Code and adding Sections 395/397/412 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Moru Sk. @ Mohiruddin Sk. petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Joydeep Roy

Ms. Sujata Das

..... for the State

Learned Counsel for the petitioner submits he is in custody for 38 days. It is also submitted investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Name of the petitioner has transpired from the statement of the co-accused during investigation. He was not put up for identification during test identification parade. No stolen article was recovered from him. Keeping in mind extent of complicity of the petitioner, we are inclined to grant bail to him.

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, Krishnagar,

Nadia, 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.)