

28.08.2023
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allowed

CRM(DB) No. 3357 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 256 of 2022 dated 07.11.2022 under Section 380 of the Indian Penal Code.

And
In Re : Gouranga Das petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatun
.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 130 days. It is also submitted that he has been falsely implicated. He is not the principal accused. Co-accused have been enlarged on bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner is the conspirator and had entered into conspiracy with Baladitya Barik, in-charge of Hili Customs Preventive Unit to misappropriate gold biscuits.

3. We have considered the materials on record. Petitioner is not the principal accused. Principal accused is in custody. Co-accused, similarly circumstanced with the petitioner have been enlarged on bail. Investigation is complete. There is no chance of his abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

4. 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 Additional District and Sessions Judge, 1st court, Dakshin Dinajpur, 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 and on further condition that the petitioner while on bail shall meet the Officer-in-charge, Hili Police Station once in a week until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)