

10.10.2023
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allowed

CRM(DB) No. 3681 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thakurpukur Police Station Case No. 20 of 2020 dated 23.01.2020 under Sections 302/307/326/34 of the Indian Penal Code.

And
In Re : Mahadeb Saha petitioner

Mr. Rajdeep Majumder
Mr. Pritam Roy
Mr. Sarthak Mondal

....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya

.... for the State

1. Heard the learned Counsels for the parties.

2. Report is placed on record. It appears from the report that the vital witnesses have not named or identified him in court. Under such circumstances and bearing in mind the period of detention suffered by the petitioner i.e. one year and nine months we are inclined to grant bail to him.

3. 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, 3rd court at Alipore, 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.

4. 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)