

26.09.2023
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allowed

CRM(DB) No. 3735 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Garhbeta Police Station Case No. 303 of 2020 dated 24.08.2020 under Sections 395 of the Indian Penal Code adding Section 411 of the Indian Penal Code.

And

In Re : Mahabbat Bhangi @ Toli petitioner

Mr. Soumik Ganguli
Mr. Soumya Basu Roy Chowdhury
....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Subrata Roy
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 104 days.

2. Learned Counsel for the State opposes the prayer for bail and submits police report has not been filed.

3. We have considered the materials on record. In view of the submission that the petitioner is in custody for more than 104 days and police report has yet not been filed we are inclined to enlarge the petitioner on statutory bail.

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 Chief Judicial Magistrate at Garhbeta, subject to condition 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.

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.)