

03.10.2023
26
sdas
allowed

CRM(DB) No. 3787 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Penro Police Station Case No. 99 of 2022 dated 08.09.2022 under Sections 341/326/307/506 of the Indian Penal Code.

And

In Re : Shyam Dulal Adhikari petitioner

Mr. Soumya Basu Roy Chowdhuri
....for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee
..... for the State

1. Learned Counsel for the petitioner submits he was enlarged on bail by the learned Magistrate. Due to lack of jurisdiction his bail came to be suspended. In terms of the direction of this Court he appeared before the Sessions Judge and prayed for bail. He is presently in custody and prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner had acted in terms of the direction of this Court. He appeared and prayed for bail before the Sessions Judge. There is no possibility of his abscondence. Keeping in mind the aforesaid facts, 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,

Amta, Howrah, 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.)