

06.10.2023.
42.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3870 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burrabazar P.S. Case No.96 of 2023 dated 09.04.2023 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 304/341/323/114 of the Indian Penal Code.

In the matter of : **Vivek Rai @ Monu & Anr.**

.... Petitioners.

Mr. Pawan Kr. Gupta,
Mr. Amitava Rai,
Mr. Vijay Verma,
Ms. Sofia Nesar,
Mr. Santanu Sett.

...for the Petitioners.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

1. Petitioners are in custody for 168 days. Co-accused are on bail. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioners stand on the same footing with the said co-accused who are on bail.
4. Hence, we are inclined to extend the same relief to the petitioners.
5. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.25,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CMM, Calcutta subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses

or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not enter the municipal limits of Kolakata except for attending court proceeding and shall provide the address where they shall presently reside to the investigating agency as well as the court below and shall report to the Officer-in-charge of the police station within whose jurisdiction they shall presently reside once in a week until further orders.

6. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)