

09.10.2023
Sl. No.42
akd
[ALLOWED]

C. R. M. (DB) 3894 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.10.2023 in connection with Tamluk Police Station Case No.761 of 2023 dated 10.07.2023 under Sections 143/147/148/149/186/188/323/325/326/307/332/333/353/427/436/120B of the Indian Penal Code, Sections 3/ 4 of the Prevention of Damage to Public Property Act, 1984 read with Section 18 of the West Bengal Highway Act. (G.R. Case No.2199 of 2023)

And

In Re: ***Pintu Metya & Anr.***

... .. Petitioners

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

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Subroto Roy

... .. for the State

1. It is submitted on behalf of the petitioners they are in custody for about 90 days. It is further submitted petitioners are the members of a political party. Due to political animosity they have been falsely implicated. Over the selfsame issue three cases were registered. In the other cases, co-accused have been enlarged on bail. Accordingly, they pray for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Allegations are general and omnibus. Possibility of false implication cannot be ruled out. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Pintu Metya & (2) Surajit Kar***, be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur subject to condition that the said petitioners 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.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)