

11.10.2023
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allowed

CRM(DB) No. 3949 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jangipara Police Station Case No. 253 of 2023 dated 10.08.2023 under Sections 147/148/325/307/427/353/332/333/186/188/326/506 of the Indian Penal Code read with Section 9 of the West Bengal Maintenance of Public Order Act and Section 24 of the West Bengal Fire Services Act.

And

In Re : Chandan Kumar Das & Ors. petitioners

Mr. Shamim Ahamed

Md. Nazimuddin

Mr. Arka Ranjan Bhattacharya

Ms. Gulsanwara Pervin

Mr. Rishabh Ahmed Khan

....for the petitioners

Mr. Rudradipta Nandy, learned APP

Mr. Iqbal Kabir

.... for the State

1. Learned Counsel for the petitioners submits they are in custody for 60 days. It is also submitted they have been falsely implicated due to their political affiliation. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits injuries are serious. Petitioners have criminal antecedents.

3. We have considered the materials on record. Allegations against the petitioners are general and omnibus. Possibility of false implication due to political affiliation cannot be ruled out. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, we are inclined to grant bail to the them.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, subject to conditions that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)