

19.10.2023
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allowed

CRM(DB) No. 4110 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haripal Police Station Case No. 54 of 2023 dated 07.02.2023 under Sections 420/406/409 of the Indian Penal Code.

And

In Re : Prasanta Kumar Ghosh petitioner

Mr. Bitasok Banerjee
Mr. Abdus Salam

....for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 132 days. It is also submitted investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner was the manager of the finance company. Company had given loan against the gold pledged by the customers. Petitioner misappropriated the pledged gold.

3. We have considered the materials on record. Investigation is complete. Offences, even if proved, would not attract mandatory life imprisonment. There is little possibility of trial concluding in the near future. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Chandannagore, Hooghly, subject to conditions 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.)