

30.11.2023
tkm/ct 28
sl no.71

C.R.M. (DB) 4454 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Talpati Ghat Costal PS case no. 217 of 2023 under sections 3/4 Prevention of Damage to Public Property Act, 1984 and Section 9 of Maintenance of Public Order Act and Sections 147/148/149/186/307/332/333/353/427 IPC.

And

In Re : Batul Das & Ors. petitioners

Mr. Sabyasachi Mukherjee

Ms. Debarati Choudhury

Mr. Mukesh Khanna

Mr. Bibek Dey

Syed Near Ahmed

Mr. Mrinmay Nandy

..... for the petitioners

Mr. Ranabir Roy Chowdhury

Ms. Sima Biswas

..... for the State

1. Petitioner 3 is not named in the FIR. Lawyer for the petitioners submits they have been falsely implicated in the case. they pray for bail.

2. Lawyer for the State opposes the bail prayer.

3. We have considered the materials on record including the injury report. Whether the injuries are life threatening or not may be assessed during trial. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner 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 ACJM, Contai on condition that the petitioners shall appear before the trial court on every date of hearing 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 being CRM (DB) 4454 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)