

19.12.2023
129
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allowed

CRM(DB) No. 4525 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bolpur Police Station Case No. 346 of 2021 dated 18.09.2021 under Sections 406/420/413/419 of the Indian Penal Code and under Sections 66/66C/66D/71 of the Information Technology Act.

And

In Re : Rajesh Dashrath Agawane @ Rajesh Agawane petitioner

Mr. Sujoy Sarkar

....for the petitioner

Mr. Prasun Kumar Dutta, learned APP

Ms. Puspita Saha

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 690 days. Co-accused have been granted bail. Accordingly, he prays for bail on parity.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner has criminal antecedents..

3. We have considered the materials on record. Petitioner and co-accused were involved in duping individuals on false promise of setting up 5G towers. Keeping in mind the fact that offences are triable by Magistrate and as accused are in jail for a considerable period of time, some of them have been enlarged on bail. Under such circumstances petitioner is entitled to similar relief.

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,

Bolpur, Birbhum, 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 or commit similar offences in future.

5. Trial Judge is directed to conduct the trial with utmost expedition and conclude the same at an early date. In the event the petitioner and any co-accused, while on bail, seeks to dilate the proceeding without justifiable cause, it shall be open to the trial court 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.)