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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 40 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with New Jalpaiguri Police Station Case No. 929 of 2018 dated 22.12.2018 under Section 392 read with Sections 395/412 of the Indian Penal Code.

In the matter of : Md. Khairul and others

... petitioners

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

...for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioners contends that the petitioners are in custody since January, 2018. It is further contended that the petitioners are already enlarged on bail in connection with other two criminal cases initiated against the petitioners on allegation that similar offence as in the present case was committed on the same date.

Learned counsel appearing for the State opposes the prayer for bail and submits that the case of the petitioners is not fit to grant bail.

However, since the allegation made in the three cases pertain to offences allegedly committed on the same date and the petitioners have been enlarged on bail with regard to other two cases and there is no allegation of any subsequent violation of the conditions of bail by the petitioners in the other two cases, we are not inclined to keep the petitioners in custody further.

Accordingly, CRM (DB) 40 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish individual bond of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date. The sureties may be common in respect of all the petitioners.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)