

09.01.2024

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Allowed

C.R.M. (DB) No. 32 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 69 of 2022 dated 17.02.2022 under Sections 420/406/409/34 of the Indian Penal Code and charge-sheet submitted under Sections 420/406/409/467/468/471/477A/34 of the Indian Penal Code.

And

In Re : Sourav Biswas petitioner

Mr. Bitasok Banerjee

Mr. A. Salam

.....for the petitioner

Mr. Arijit Ganguly

Ms. Purnima Ghosh

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and ten months. It is also submitted that there is delay in trial and co-accused has been enlarged on bail. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. On the ground of delay co-accused, Soumitra Mridha, has been enlarged on bail. Petitioner stands on the same footing with the said co-accused and 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 Chief Judicial Magistrate, Hooghly, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the trial court without any 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.)