

09.02.2024.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 397 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amta P.S. Case No.136 of 2020 dated 19.05.2020 under Sections 302/201/379/411/34 of the Indian Penal Code.

In the matter of : **Utpal Malik.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. A. Sarkar,
Mr. Arindam Poali.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Arani Bhattacharya.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Petitioner is in custody for more than three years. Co-accused has been enlarged on bail on the ground of delay in trial. Petitioner is entitled to similar relief.
3. Accordingly, the petitioner viz., **Utpal Malik** 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, Howrah subject to condition that he 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.

4. In the event the 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.

5. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)