

64.
Court
No.28

14.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2163 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Andal** Police Station Case No. **331/2023**, dated **08.09.2023** under Sections **341/302/34** of the Indian Penal Code.
And

In the matter of: - **Mrinal Bauri & Anr.**

Mr. Subrata Bhattacharyya
Mr. S. Santra

...petitioners.

Ms. Zareen Nasima Khan
Ms. Sana Naaz

...for the petitioners.

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners are in custody for more than 150 days. They say that they are in no manner involved with the alleged crime. Investigation is complete and charge-sheet has been submitted. Their further custodial detention is not necessary.
2. While opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary.
3. We find that the principal accused, Sadhin Bauri, has been enlarged on bail. The petitioners stand on a better footing than Sadhin Bauri. Considering the aforesaid and also that charge-sheet has been submitted upon completion of investigation, we are of the view that further custodial detention of the petitioners is not necessary. Hence, we allow the petitioners’ prayer for bail.

4. Accordingly, we direct that the petitioners, namely, **1. Mrinal Bauri, 2. Sumit Bauri** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 2nd Court, Durgapur, Paschim Bardhaman, subject to condition that the petitioners shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2163 of 2024 is accordingly disposed of.

7. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)