

06.11.2024
Sl. No.91
SG
[ALLOWED]

C. R. M. (DB) 3318 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2024 in connection with Mahisadal Police Station Case No. 231 of 2024 dated 25.05.2024 under Sections 120B/143/147/148/149/302/341/506 of the Indian Penal Code.

And

In Re: ***Subrata Maity***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. D. Samanta
Ms. Debapriya Majumder
Mr. S. Maity
Mr. A. Sarkar
Mr. Arindam Paoli

... .. for the petitioner

Mr. Madhusudhan Sur
Ms. Baishakhi Chatterjee

... .. for the State

1. Petitioner is in custody for 166 days. It is contended FIR was registered against 41 accused persons. 21 of them have been discharged and charge sheet was filed against 20 accused including the petitioner. Accordingly, he prays for bail.
2. Learned Advocate for the State submits name of the petitioner has transpired in the statements of witnesses before Magistrate.
3. We have considered the materials on record. We have also examined statement of witnesses before police as well as Magistrate. Some of the witnesses named the discharged accused also before police. No cogent explanation is forthcoming why they were discharged. It appears investigating agency has adopted 'pick and choòse' method to

prosecute the petitioner and others. It is also relevant to note allegations against the petitioner are generic in nature. There is no chance of abscondence.

4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Therefore, the accused/petitioner, namely **Subrata Maity**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur subject to condition that the said 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.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)