

12.11.2024

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Allowed

C.R.M. (DB) No. 3494 of 2024

In Re:- An application for bail under Section 483 of BNSS in connection with Mahisadal Police Station Case No. 231 of 2024 dated 25.05.2024 under Sections 427/341/143/147/148/149/120B/302/506 of the Indian Penal Code.

And

In Re : Tapasi Das Manna petitioner

Mr. Swapan Kumar Mallick

Ms. Sudeshna Das

.... for the petitioner

Mr. Sudip Kumar

Mr. Soumadip Saha

.... for the State

1. Learned Counsel for the petitioner submits she is in custody for 171 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 she prays for bail.

2. Learned Counsel for the State submits name of the petitioner has transpired from the statements of witnesses before Magistrate.

3. We have considered the materials on record. We have also examined statements 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 choose' 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. Under such circumstances we are inclined to grant bail to the petitioner.

4. Accordingly, we direct 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 Additional Chief Judicial Magistrate, Haldia, Purba Medinipur, 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 her 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.)