

04.01.2024.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4770 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thakurpukur P.S. Case No.20 of 2020 dated 23.01.2020 under Sections 302/307/326/34 of the Indian Penal Code.

In the matter of : **Paritosh Mistry & Anr.**

.... Petitioners.

Mr. Rajdeep Majumder,
Mr. Pritam Roy,
Mr. S. Bhattacharjee.

...for the Petitioners.

Mr. Soumik Ganguli.

...for the State.

1. Petitioners submit petitioners are in custody for more than three years and one year respectively. Accordingly, they pray for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. State has placed on record the evidence recorded till date. Perusal of the evidence shows petitioners stand on the same footing with co-accused.
4. Keeping in mind the extent of complicity of the petitioners in the crime, period of detention suffered by them i.e. more than three years and one year respectively and as there is no chance of abscondence, we are inclined to grant bail to petitioners.
5. Accordingly, the petitioners viz., **Paritosh Mistry and Sankar Halder** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount

each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24-Paraganas subject to condition that they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)