

27.03.2023  
57  
sdas  
allowed

CRM(DB) No. 1110 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falta Police Station Case No. 118 of 2022 dated 19.05.2022 under Sections 406/409/419/420/467/468/471/120B of the Indian Penal Code and under Section 66C and 66D of the Information Technology Act.

And  
In Re : Totan Halder ..... petitioner

Mr. Sabir Ahamed  
Mr. Gouranga Kumar Das  
Ms. Swati Mandal  
.....for the petitioner

Mr. Ranabir Roy Chowdhury  
Mr. Mainak Gupta  
..... for the State

Learned Counsel for the petitioner submits he is in custody for 309 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Almost half of the misappropriated sum was deposited by the co-accused. He has been enlarged on bail. Petitioner is an accomplice in the crime. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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 Chief Judicial Magistrate, South 24 Parganas at Alipore, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further

orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**