

05.12.2022.
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as
(Allowed)

C.R.M. (DB) 4232 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura P. S. Case No.248 of 2021 dated 05.10.2021 under Sections 120B/406/408/409/419/420/465/466/467/468/471/477 A of the Indian Penal Code and Sections 66C/66D/73/74 of the Information Technology Act.

In the matter of : Pritam Bhakat.

.... Petitioner.

Mr. Soumik Ganguli,
Mr. Sourav Chatterjee,
Mr. Samrat Nandy.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 427 days. He submits there is inordinate delay in the trial of the case. Prosecution witnesses did not turn up on a number of dates. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail and submits allegations are very grave. Petitioner and co-accuseds had prepared fake accounts and misused the log in identity of the jurisdictional Magistrates to misappropriate funds from the treasury.

We have considered the materials on record. He renews his prayer for bail. Since rejection of bail by this Court, charge has been framed. Thereafter, witnesses had not turned up since framing of charge. No explanation is forthcoming for the delay in examining witnesses. Delay cannot be attributed to the

petitioner or co-accuseds. Though allegations are serious, offences are triable by Magistrate. More than six months have lapsed since the commencement of trial and there is no possibility of it concluding in the near future.

In view of the aforesaid circumstances and in view of sub-section (6) of Section 437 of the Code of Criminal Procedure, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Pritam Bhakat 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, Bankura subject to condition that he 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.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)