

19.11.2020

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CRM 8655 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No.761 of 2020 dated 13.09.2020 under Sections 3 and 4 of the Explosives Substances Act.

And

In the matter of: Tushar Kanti Sarkar

....Petitioner.

Mr. Sourav Chatterjee

Mr. D. Kundu

Mr. S. Roy

...for the Petitioner.

Mr. Binay Kr. Panda

Ms. Puspita Saha

...for the State.

It is submitted on behalf of the petitioner that he is in custody for 50 days.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. No explosive substance was recovered from the possession of the petitioner.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner has criminal antecedents and he master-minded and funded the rioting in the locality.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime particularly in view of the fact that no explosive substance was recovered from his possession, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

Accordingly we direct that the petitioner shall 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 CJM, Uttar Dinajpur subject to condition that the petitioners 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 fail 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.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)