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C.R.M. 9099 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 197 of 2020 dated 12.06.2020 under Sections 489A/489B/489C/120B of the Indian Penal Code.

And

In Re : Joy Prokash Sarkar petitioner

Mr. Sourav Chatterjee
Mr. Kaustav Bagchi

.....for the petitioner

Mr. Imran Ali
Ms. Sema Biswas

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he was in custody in connection with an earlier criminal case and has been falsely implicated in the present case out of political rivalry. It is also contended that the recovery of fake Indian currency notes allegedly from the residence of the petitioner was not witnessed by independent persons. Even so, the allegation would disclose bailable offence under Section 489C of the Indian Penal Code.

Learned Counsel appearing for the State opposes the prayer for bail and submits that on the leading statement of the petitioner a large volume of fake Indian currency notes were recovered from the residence of the petitioner and his brother.

We have considered the materials on record. It is pertinent to note that recovery of fake Indian currency notes were made when the petitioner was already in detention in connection with another case and he cannot be said to be in control of the premises at the material point of time when such seizures were effected. More so, the seizures were not witnessed by independent persons. Possibility of falsely implication of the petitioner, therefore, cannot be wholly ruled out. In view of the aforesaid facts and circumstances of the case, we are inclined in granting bail to the petitioner, however, subject to strict conditions.

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, Dakshin Dinajpur at Balurghat, subject to the conditions that the petitioner shall not enter the jurisdiction of Balurghat police station until further orders except for attending court proceedings and/or investigation and shall provide the address where he shall presently reside to the investigating agency and the court below. He shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders. He 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)