

01.12.2020

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Allowed

C.R.M. 9103 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. 189 of 2020 dated 05.06.2020 under Sections 411/413/414/420/34 of the Indian Penal Code.

And

In Re : Joy Prokash Sarkar petitioner

Mr. Sourav Chatterjee
Mr. Kaustav Bagchi

.....for the petitioner

Mr. Binoy Panda
Mr. Subham Bhakat

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 180 days. It is further submitted that he has been falsely implicated in the instant case relating to alleged misuse of assets of temple trust.

Learned Counsel appearing for the State opposes the prayer for bail and submits that gold ornaments of the temple trust was recovered from the petitioner.

Having considered the materials on record and keeping in mind the nature of allegations and as stolen properties have substantially been recovered and in view of period of detention suffered by the petitioner, we are inclined in granting 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, Dakshin Dinajpur at Balurghat, subject to the condition that 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.)