

01.12.2020

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Allowed

C.R.M. 9108 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. 182 of 2020 dated 01.06.2020 under Sections 342/323/325/386/379/420/364A/120B of the Indian Penal Code.

And

In Re : Joy Prokash Sarkar petitioner

Mr. Sourav Chatterjee
Mr. Kaustav Bagchi

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 184 days. It is further submitted that he has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail and submits that petitioner confined the victim and various articles belonging to the victim were recovered from his possession.

Having considered the materials on record and bearing in mind the facts and circumstances of the case and keeping in mind the period of detention suffered by the petitioner and as investigation is complete, 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.)

