

12.01.2021
Item No.29
Ct.No.28
dc.
Allowed

C.R.M. 183 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Mithun Tirki ... Petitioner.

Mr. Pulakesh Bajpayee ... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Arani Bhattacharyya ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Habibpur P.S. Case No. 123 of 2019 dated 19.04.2019 under Sections 14(A)(b)/14(c) of Foreigners Act read with Sections 468/471/120B of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings and he is in custody for more than 48 days. Upon completion of investigation, charge-sheet has also been filed.

The learned advocate appearing for the State denies the contention of the petitioner and submits that there are incriminating materials against the petitioner.

Records reveal that the petitioner is an Indian national and is employed as a primary school teacher. He was engaged for the purpose of revision of electoral roll as a designated officer in the year 2017.

Upon considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offences, we are of the opinion that further detention of the petitioner is not necessary and we are inclined to grant 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 Additional Chief Judicial Magistrate, Malda.

The application for bail being CRM 183 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)