

29.07.2021
Item no. 23
Court No.32.
S.De.(s)
(Allowed)

(Via Video Conference)

CRM 3546 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2021 in connection with Mejia Police Station Case No. 18 of 2005 Dated 05.05.2005 under Sections 413/414 of the Indian Penal.

And

In the matter of : Rajesh Jha @ Raju Jha.

.....Petitioner.

Mr. Milon Mukherjee, Sr. Advocate,
Mr. Biswajit Manna, Advocate,
Mr. Aritra Bhattacharyya, Advocate,

.....for the Petitioner.

Mr. Ranabir Ray Choudhury, Advocate,
Mr. Rudradipta Nandy, Advocate,

.....for the State.

The allegation against the petitioner is that he is a habitual dealer in stolen properties. The case is of 2005. The petitioner obtained anticipatory bail in 2009. He missed one date of hearing. Warrant of arrest was issued against him. It is submitted on his behalf that under wrong advice somebody else impersonated him in Court.

The learned court below saw through the matter and issued another warrant of arrest and the petitioner is now in

jail for the last 136 days. The petitioner prays for bail on such conditions as may appeal to this court.

We have heard learned counsel for the parties and we have considered the facts and circumstances of the case. Having regard to the nature and gravity of the offence and that the petitioner may have been misled by wrong legal advice, we are of the view that the petitioner may be enlarged on bail but on stringent 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 C.J.M., Bankura and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)