

18.03.2021.
Item No.50
(Allowed)

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C.R.M. 11253 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2020 in connection with Balurghat P.S. Case No. 185 of 2020 dated 02.06.2020 (G.R. Case No. 468 of 2020) under Sections 376/506 of the Indian Penal Code;

And

In the matter of : **Joy Prokash Sarkar**

... petitioner.

Mr. Sourav Chatterjee,
Mr. Koustav Bagchi,
Mr. Arup Sarkaar.

...For the petitioner.

Mr. Imran Ali,
Mr. C.R. Ghosh.

...For the State.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

This is an application for bail in connection with Balurghat P.S. Case No. 185 of 2020 under Sections 376/506 of the Indian Penal Code at the behest of the petitioner.

The learned Advocate for the petitioner submits that the petitioner was shown arrested in connection with the instant case on 8th June 2020 and since then he is in custody. He further submits that due to political rivalry the petitioner has been foisted with number of cases and earlier the petitioner has granted bail in three cases vide CRM 9108 of 2020, CRM 9103 of 2020 and CRM 9099 of 2020. He also submits that on any condition the petitioner may be released on bail as he has been unwarrantedly implicated in the instant case.

Mr. Imran Ali, learned Advocate for the State, opposes the prayer for bail and draws attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also the medical/injury report, so enclosed in the case diary.

We have perused the statement of the victim as well as the injury report and having regard to the manner in which the petitioner has been implicated and the observation made by a Co-ordinate Bench of this Court in CRM 9099 of 2020 as also the evidence appearing in the case diary, we are of the opinion that further detention of the petitioner is unwarranted in the facts and circumstances of the present case.

Accordingly, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat and on condition that the petitioner shall meet with the Officer in-Charge of Balurghat Police Station once in a week until further order and on further condition that the petitioner shall also make himself available before the trial court on each and every date of trial and in default on his part without any justifiable reasons, the learned trial court would be at liberty to cancel the petitioner's bail without reference to this Court.

The application being CRM 11253 of 2020 is **allowed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)