

18.03.2021.
Item No.51
(Allowed)

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C.R.M. 11254 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. 186 of 2020 dated 02.06.2020 (G.R. Case No. 466 of 2020) under Sections 342/323/325/386/379/420/364A/120B 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. Sudip Ghosh,
Mr. Bitasok Banerjee.

...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. 186 of 2020 under Sections 342/323/325/386/379/420/364A/120B of the Indian Penal Code at the behest of the petitioner.

The learned Advocate for the petitioner submits that the petitioner is in custody since 8th June 2020 in connection with other cases and has been falsely implicated in the instant case. He further submits that the petitioner has no relationship so far as the allegation made in the letter of complaint is concerned. He additionally submits that the investigation of the case having been concluded, further detention of the petitioner is unwarranted and he may be released on any stringent condition.

Mr. Sudip Ghosh, learned Advocate for the State, opposes the prayer for bail and submits that there are statement of witnesses, which explain the complicity of the present petitioner but he is unable to answer the query of the Court regarding the movement of money so far as the allegation under Section 364A of the Indian Penal Code is concerned.

We have perused the materials on record including the statement of the witnesses available in the case diary and on appreciation of the same, we are of the opinion that further detention of the petitioner is unwarranted in the background 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 11254 of 2020 is **allowed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)