

15.02.2021
Court No.1
SL No. 6
s.biswas

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)
C.R.M. 151 of 2021**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mathabhanga** P.S. Case No. **380 of 2020** dated **17.09.2020** under Sections **147/148/149/324/326/302** of the Indian Penal Code.
And

In the matter of: **Nandalal Sarkar**

....Petitioner

Mr. Sekhar Kr. Basu, Ld. Sr. Adv.
Mr. Ranadeb Sengupta
Mr. G. C. Baidya
Mr. Hillol Saha Podder

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Sourav Ganguly

...for the State

This is an application under Section 439 of the Criminal Procedure Code in connection with Mathabhanga Police Station Case No. 380/2020 dated 17.09.2020 under Sections 147/148/149/324/326/302 of the Indian Penal Code, corresponding to G. R. Case No. 625 of 2020 wherein the charge-sheet being No.378 of 2020 dated 14.12.2020 has been submitted, and is now pending before the learned Additional Chief Judicial Magistrate.

It is submitted on behalf of the accused/petitioner that the petitioner is in jail for last 151 days and that there is no need for further investigation since charge-sheet has been submitted and

there is no chance for the petitioner to tamper with the evidence or influence any witness.

It is also submitted that the FIR is a delayed one and case has been foisted against the accused/petitioner.

We have heard learned advocates for the petitioner and the State, and bearing in mind the nature of allegations emerging from the materials placed at page no. 2 and 13 of the Case Diary, prayer for bail is rejected.

It is submitted on behalf of learned Advocate for the petitioner that copies of the statements of witnesses be served. It is obvious that the petitioner is entitled to get a copy of the statements and material evidence in the case diary under the provision of Section 207 of the Criminal Procedure before the commitment of the case to the learned Court of Sessions, ergo, learned ACJM, Mathabhanga is directed to expedite the commitment process of the case.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)