

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM 298 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 22.02.2021 in connection with Mathabhanga Police Station Case No.380 of 2020 dated 17.09.2020 under Sections 147/148/149/324/326/302 of the Indian Penal Code.

And

In Re : Sukesh Talukdar

... petitioner.

Mr. Sudip Guha

... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State.

Learned counsel for the petitioner submits that the petitioner is a student, about to take his higher secondary examinations. It is submitted that the complaints against the petitioner might have been the result of a backlash to a land dispute pending between the petitioner's relatives and the complainant.

Moreover, the petitioner is in custody for about 181 days.

Learned counsel for the State opposes such submissions and submits that the petitioner was named in the FIR specifically and also in the statements of certain persons recorded under Section 161 of the Criminal Procedure Code.

However, it appears that since charge-sheet has already been filed and the petitioner's educational career may be seriously

hampered and that a group of people were generally mentioned in the statement under Section 161 of the CrPC, there is sufficient scope of giving benefit of doubt to the petitioner.

Accordingly, CRM 298 of 2021 is allowed, thereby granting the petitioner bail on furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga. The petitioner shall not commit any offence of which he is accused in the meantime and shall attend on every date of trial before the trial court. The petitioner shall not issue any intimidation, threat or promise to any person acquainted with the facts of the case to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in the meantime.

Further, the petitioner shall not leave the jurisdiction of the trial court during the trial.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)