

19.08.2021
Item no. 06 (J.C.)
Court No.32.
S.De.
(Allowed)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 429 of 2021

with

I.A. No.CRAN 1 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2021 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 the matter of : Nandalal Sarkar.

.....Petitioner.

Mr. Sabyasachi Banerjee, Advocate,
Mr. Arnab Saha, Advocate,
Mr.Abhimanyu Banerjee, Advocate,

.....for the Petitioner.

Mr. Ujjwal Luksom, Advocate,
Mr. Aniruddha Biswas, Advocate,

.....for the State.

Supplementary affidavit filed in Court on behalf of the petitioner be taken on record.

The petitioner says that he has been languishing in jail for about 335 days. Charge sheet has been submitted. There is no reason to further detain the petitioner.

We have seen the material in the case diary. The petitioner was not named by the injured eyewitness. A co-accused who was named by the injured eyewitness has been granted bail by this Court by an order dated March 17, 2021 passed in CRM 298 of 2021.

The State strongly opposes the prayer for bail.

Having considered the facts and circumstances of the case and the nature of allegation made against this petitioner and having regard to the fact that charge sheet has been submitted upon completion of investigation, we are of the view that further detention of the petitioner is not necessary.

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 learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar and on further conditions that he shall remain within the jurisdiction of the concerned police station and he 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.

I.A. CRAN 1 of 2021 is disposed of.

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.)