

12-07-2022
Subha
Item no.05
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side

CRA (SB) 77 of 2022
With
CRAN 1 of 2022

Partha Basak
-vs-
The State of West Bengal

In Re: An application for suspension of sentence under Section 389(1) of the code of Criminal Procedure, 1973.

Mr. Sabir Ahmed
Mr. Subrata Saha
Mr. Bijoy Verma
Mr. A. Biswas

...for the appellant/petitioner.

Mr. Prasun Kumar Dutta
Mrs. Zareen N. Khan
Mr. Md. Kutubuddin

... for the State.

The present application for bail has been filed in connection with the appeal against order of conviction and sentence passed by the learned Additional District & Sessions Judge, Fast Track Court, Balurghat, Dakshin Dinajpur in connection with Sessions Trial No. 25(09)/2012 arising out of Balurghat P. S. Case No. 639 of 2011 dated 09-12-2011.

The learned court after holding the appellant guilty was pleased to sentence him for a period of 7 years with fine in respect of offence under Section 489B Indian Penal Code and 5 years with fine for the offence under Section 489C of the Indian Penal Code.

The appellant/petitioner was on bail throughout the trial and

the factual genesis of the case reflect that when the petitioner went to deposit a sum of Rs.25,000/- to the bank, six of the currency notes of denomination of Rs.500/- were found to be fake.

Having regard to the fact that for the last 11 years, the appellant/petitioner has been attending the court and some time would be consumed for disposal of the present appeal, I am of the opinion that during the pendency of the present appeal, the appellant/petitioner should be released on bail.

Accordingly, the appellant/petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur.

While on bail, the appellant/petitioner would abide by the following conditions :-

1. The appellant/petitioner shall furnish his residential address to the learned Chief Judicial Magistrate, Balurghat as well as to the Officer-in-Charge, Balurghat Police Station.
2. The appellant/petitioner shall meet with an officer deputed by the Officer-in-Charge, Balurghat Police Station once in a fortnight until further orders.

In case the learned Chief Judicial Magistrate, Balurghat is of the opinion that there is possibility of the appellant/petitioner evading, the process of law, it would be the liberty of the learned C. J. M, Balurghat to take deposit of the passport (if any) of the appellant/petitioner.

Such conditions so imposed would continue for the next six months and thereafter the appellant/petitioner would be at liberty to pray for modification of the conditions.

With the aforesaid observations, the application being CRAN 1 of 2022 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]