

13.07.2022.

Item No. 18

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 242 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 11.07.2022 in connection with Dinhata Police Station Case No. 83 of 2022 dated 19.02.2022 under Sections 341/326/307/34 of the Indian Penal Code read with Sections 25(1-A)/27 of the Arms Act and Sections 3/4 of Explosive Substances Act.

And

In the matter of: **Ajit Mohanta.** ...petitioner

Mr. Subhasish Misra,
Mr. Swarup Das. ...For the petitioner

Mr. Kallol Acharjee,
Mr. Sourav Ganguly.For the State

The petitioner claims that he has been implicated in Dinhata Police Station Case No. 83 of 2022 dated 19th February, 2022 primarily because of political rivalry and on the complaint of a member of a rival political party.

Admittedly, none of the incriminating materials has been seized from the possession of the petitioner.

Counsel for the petitioner submits that his client is in custody for 46 days and investigation is in progress.

Counsel for the State vehemently opposes the prayer for bail.

Considering the fact that the petitioner's father is 85 years old and having perused the entire case diary, this

Court is of the view that the petitioner is entitled to enlarge on bail.

Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Dinhata.

It is further directed that the all other conditions provided under Section 437(3) of the Code of Criminal Procedure shall be complied with by the petitioner.

It is also directed that the petitioner shall meet the Investigating Officer of the case once in a week until further orders.

It is further directed that after release, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing unless he is prevented by any reason beyond his control.

We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take him into custody without any further reference to this Court.

C.R.M. (DB) No. 242 of 2022 is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)

