

30.03.2023
Ct. No.34
S/L No.1
KS

C.R.M.(SB) 50 of 2023
Subhash Chandra Sarkar @ Subhas Chandra Sarkar @ Subhas Sarkar

-Vs.-
The State of West Bengal

In Re: An application for bail under Section **439** of the Code of Criminal Procedure filed in connection with **Nakashipara** Police Station Case No.**725** of **2017** dated **07.12.2017** under Sections **468/ 471** of the Indian Penal Code and Section **14** of Foreigners Act.

Mr. S. Mitter
Mr. A. K. Biswas
Mr. A. Singh
Ms. J. Agarwal

..... For the Petitioner

Mr. Swapan Banerjee
Mr. Suman De

.....For the State

Report so submitted by the State be kept with the record. Report reflects that the documents are genuine in nature, however, the basic issue has not been enquired into or gone into by the Investigating Officer of this case.

The subject matter of this case relates to one, Dhiren Chandra Sarkar, the complainant that his name has been misutilized as father of the accused and the Passport, Voter Identity Card alongwith the related documents of the Government departments were obtained by the accused. I find that the present case was initiated by way of an application under Section 156(3) of the Code of Criminal Procedure and the same was initiated pursuant to information furnished with the

Officer-in-Charge, Nakashipara Police Station and the Superintendent of Police, Nadia. None of them acted on such information/complaint lodged by the complainant.

Mr. Mitter, learned advocate appearing for the petitioner submits that there were similar other cases instituted by the same complainant.

Having regard to the fact that the petitioner is in custody for 132 days and the police authorities were reluctant to act on the information/complaint filed at the instance of the complainant, the petitioner's further detention is considered to be unwarranted.

Accordingly, the petitioner may be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned C.J.M., Nadia. The petitioner shall submit his Passport to the learned C.J.M., Nadia which will be retained by the learned Court for a period of one year unless and until exceptional circumstances are furnished before the learned C.J.M., Nadia, the said Passport should be retained till conclusion of trial of the case. If on bail, the petitioner shall meet with the Inspector-in-Charge of Nakashipara Police Station once in a month until further orders of this Court.

Accordingly, C.R.M.(SB) 50 of 2023 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

