

17.04.2023  
Sl. No.31  
**akd**  
[ALLOWED]

**C. R. M. (DB) 979 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2023 in connection with Bolpur Police Station Case No.346 of 2021 dated 18.09.2021 under Sections 406/420/413/419 of the Indian Penal Code read with Sections 66/66C/66D/71 of the Information Technology Act, 2000. (G.R. Case No.1154 of 2021)

And

In Re: ***Koushik Das***

... .. Petitioner

Mr. Shovan Ghosh  
Ms. Chirantani Ghosh

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor  
Mrs. Sonali Das

... .. for the State

It is contended on behalf of the State while granting bail to co-accused viz. Rajesh Bhattacharjee the Court observed that offences are triable by a Magistrate but one of the offence i.e. Section 413 of the Indian Penal Code is triable by the Court of Sessions. In view of the aforesaid submission, at the outset, we intend to correct the observation made in our order dated 03.04.2023 in CRM (DB) 929 of 2023.

The word '*the*' appearing in the fifth line of third paragraph of the order dated 03.04.2023 be substituted by the words '*most of the.....*'.

It is submitted on behalf of the petitioner that he is in custody for about 434 days. He submits co-accused viz. Rajesh Bhattacharjee has been enlarged on bail. Accordingly, he prays for bail on parity.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner has criminal antecedents.

We have considered the materials on record. Though it is alleged that the petitioner has been implicated in a number of cases, no

prior conviction has been placed on record. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Koushik Das**, 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, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

Trial Judge is directed to conduct the trial with utmost expedition and conclude the same at an early date. In the event, the petitioner and any co-accused, while on bail, seeks to dilate the proceeding without justifiable cause, it shall be open to the trial court to cancel their bail in accordance with law without further reference to this court.

The application for bail, thus, stands allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**