

11.04.2023
tkm/ct 28
sl no. 65

C.R.M. (DB) 1439 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with haripal PS case no. 338 of 2022 dated 8.11.2022 under sections 420/406/466/467/468/409/34 IPC

And

Allowed

In Re : Pallab Sarkar

..... petitioner

Mr. Sourav Chatterjee

Mr. S Nag

Mr. N Chatterjee

..... for the petitioner

Mr. R D Nandy

Mr. Subrato Roy

..... for the State

Petitioner is in custody for 145 days. It is submitted he has co-operated with investigation. Case revolves around documents which have been seized. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioner was a former drug officer. He in collusion with others had prepared fake documents to pass off individuals as pharmacists in various medicine shops.

We have considered the materials on record. Allegations against the petitioner involve misuse of his official position to pass off individuals as pharmacists on the strength of fake documents. Though the allegations are grave, petitioner co-operated with the investigation. Alleged fake documents are in the custody of the investigating agency. Investigation is complete. None of the offences attract mandatory life imprisonment. There is no chance of abscondence or re-offending.

In view of the aforesaid circumstances particularly the conduct of the petitioner in co-operating with investigation in the light of the parameters laid down in *Satender Kumar Antil vs. CBI*¹ we are of the opinion petitioner may be extended the privilege of bail.

Accordingly, the petitioner 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 Judge, Special court cum Additional Sessions Judge, 1st Court, Chinsurah, Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 1439 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2022) 10 SCC 51