

12.04.2023
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allowed

CRM(DB) No. 1460 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Diamond Harbour Police Station Case No. 109 of 2022 dated 25.02.2022 under Sections 420/467/468/471/120B of the Indian Penal Code.

And
In Re : Mohan Halder petitioner

Mr. Sankar Prosad Dolapati
Mr. Kalyan Kumar Bhattacharjee
....for the petitioner

Mr. Saibal Bapuli, learned APP
Ms. Sayanti Santra
.... for the State

Learned Counsel for the petitioner submits he is in custody for 80 days. It is also submitted bail prayer of the petitioner was cancelled by this Court and thereafter he has been taken into custody. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits original deed is untraceable.

We have considered the materials on record. Allegations involve forgery of a deed. As the original deed was untraceable bail granted to the petitioner was cancelled. Thereafter the petitioner was taken into custody and extensively interrogated. Still then the deed has not been recovered. Under such circumstances, prosecution has to prove its case of forgery on circumstantial evidence. Further detention of the petitioner for progress of investigation is not necessary and he may be released on bail.

Accordingly, we direct that the petitioner shall 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 Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)