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C.R.M. (SB) 91 of 2023

In Re: An application under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Madhyamgram Police Station Case No.52 of 2023 dated 27.01.2023 under Sections 420/406 of the Indian Penal Code;

Amal Pal
Versus
The State of West Bengal

Mr. Amarta Ghose,
Mr. Amar Krishna Saha,
Mr. Soumyadeep Ghosh.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu.
...for the State.

The present application for bail has been preferred in connection with Madhyamgram Police Station Case No.52 of 2023 dated 27.01.2023 under Sections 420/406 of the Indian Penal Code.

Mr. Ghose, learned advocate appearing for the petitioner submits that the petitioner was arrested on 18th March, 2023 and since then he is in custody. It has been further submitted that the case was initiated on the basis of an application under Section 156(3) of the Code of Criminal Procedure and there were continuous transactions for a considerable period of time between the complainant and the accused which was shown as if to be a single transaction for purchase of gold.

Learned advocate for the State opposes the prayer for bail

and produces the case diary.

On a specific query from the Court as to whether Section 41A Code of Criminal Procedure notice was served upon the accused in view of the allegations being made under Sections 420/406 of the Indian Penal Code, learned advocate for the State submitted that in the forwarding report the Investigating Officer has narrated of trying to serve notice under Section 41A of the Code of Criminal Procedure. However, there are no materials which would reflect that such service at any point of time was effected upon the accused.

Having taken into account the nature of the allegations, the prescribed punishment for the alleged offences under which the investigation is being carried out and the period of detention of the present petitioner, I am of the opinion that further detention of the petitioner is unwarranted. Accordingly, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner namely, Amal Pal shall 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 Chief Judicial Magistrate, Barasat.

If on bail the petitioner shall meet with the Investigating Officer once in a fortnight till the charge-sheet is submitted and as and when called for. The petitioner shall not leave the jurisdiction of West Bengal without the permission of the learned CJM, Barasat. Pursuant to the charge-sheet being submitted the petitioner shall

once in a month appear before the jurisdictional court irrespective of the fact whether the date has been fixed by the said court or not.

Thus, CRM (SB) 91 of 2023 is allowed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)