

12-07-2023
Item no.02
Bail partly
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 132 of 2023

Sandip Kumar Jaiswal & Anr.

-vs-

The State of West Bengal.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 4th July, 2023 in connection with Chandannagar Police Station Case No. 83 of 2023 dated 11.05.2023 under Section 379 IPC (G. R. Case No. 814 of 2023).

Mr. Suman Chakraborty

...for the petitioners.

Mr. Binoy Panda

Mr. Subham Bhakat

... for the State.

The conduct of the petitioners in this case is found to be deplorable. The allegation against the accused/petitioner no.1 is that he has prepared a forged document in respect of goods, which were seized as stolen articles. The said tax invoice cum challan which was seized was first of all not a part of the case diary. Secondly, what I find in this case is that the Investigating Officer did not even inform the court concerned under which section the subsequent follow up of investigation would proceed.

I find that the tax invoice challan is of a firm namely Sri Sai Enterprise at the helm of the affairs of which is Sandip Kumar Jaiswal, petitioner no.1. Petitioner no.2 is Sukumar Das @ Bapan, an employee associated with the aforesaid firm.

Having regard to the purposeful and intentional act of the Investigating Officer in diverting and deviating the investigation in favour of the accused, I am not inclined to grant bail to the petitioner

no.1. As such, the prayer for bail of the *petitioner no.1 is rejected.*

So far as the petitioner no.2 is concerned, he is an employee. His prayer for bail is allowed.

Accordingly, the petitioner no.2 namely *Sukumar Das @ Bapan* shall be released on bail by furnishing a bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly.

If on bail, the petitioner no.2 shall meet with the Investigating Officer of the case once in a week till further orders of this court or till the chargesheet is submitted before the jurisdictional court.

With the aforesaid observations, the present application for bail being CRM(SB) No.132 of 2023 is partly allowed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

