

18-08-2023
Item no.06
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 167 of 2023

Gagan Roy @ Ganga Roy & 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 11th August, 2023 in connection with Cossipore Police Station Case No. 93 of 2023 dated 01.06.2023 under Sections 435/114 of the Indian Penal Code read with Section 136 of the Electricity Act, 2003 & S.4 of the PDPP Act, 1984 & Ss.8,9,15 A,B,C of the W.B. Public Maintenance Order and Act .

Mr. Pinaki Bhattacharyya
Mr. Subhankar Dutta
...for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Datta
... for the State.

Mr. Bhattacharyya, learned advocate appearing for the petitioners submits that the petitioners are in custody for a period of 36 days and there was no recovery from the petitioners. On any stringent condition, learned advocate prays for bail on behalf of the present petitioners.

Ms. Rita Datta, learned advocate for the State produces the case diary and opposes the application for bail.

On perusal of the case diary, it reflects that the recovery which were made pursuant to the statement of one of the accused, who have already been granted bail in connection with this case. Petitioners are better situated so far as the complicity in connection with the instant case is concerned.

Accordingly, the petitioners shall be released on bail by furnishing

a bond of Rs.10,000/-(Rupees ten thousand only) each with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned Special Court, Alipore/learned Chief Judicial Magistrate, Alipore.

If on bail, the petitioners shall attend the learned special court on each and every date so fixed by the trial court.

The petitioners shall leave the jurisdiction of Cossipore Police Station only with the permission of the Investigating Officer. Such condition would continue till the submission of the chargesheet in this case.

If the learned special court at any stage of the proceedings is of the opinion that the present petitioners are not cooperating, the learned trial court would be at liberty to impose fresh conditions and/or cancel the bail of the present petitioners without further reference to this court.

With the aforesaid observations, the application for bail being CRM (SB) 167 of 2023 is 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]

