

12.09.2023
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allowed

CRM(DB) No. 3525 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1466 of 2022 dated 24.12.2022 under Sections 489B/489C/120B/34 of the Indian Penal Code.

And

In Re : Arjun Yadav @ Arjun Roy petitioner

Mr. Sagar Saha

....for the petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 62 days. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. No fake Indian currency note (FICN) was recovered from the possession of the petitioner. Apart from telephonic communication between the petitioner and co-accused from whom recovery was made there is no other material connecting him with the crime. Co-accused, similarly circumstanced with the petitioner, has been enlarged on bail. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

4. 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 Chief Judicial Magistrate, Malda, on further conditions that while on bail petitioner shall remain within the jurisdiction of District Malda until further orders except for the purpose of attending court proceeding and shall provide the addressed where he shall presently reside to the investigating officer as well as the court below and shall report to the Officer-in-Charge of Kaliachak Police Station once in a week until further orders. 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)