

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

12.04.2023
Court No.1
(D/L 19)
(allowed)

CRM (DB) 146 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 14.03.2023 in connection with G.R. Case No.3629 of 2013, corresponding CBI, E.O-IV, Kolkata Case No.RC2252017E0007 arising out of Pradhannagar Police Station Case No.578 of 2013 dated 02.11.2013 under Sections 120B/420/409 of the IPC.

And

In the matter of: **Sanjay Nag**

... Petitioner.

Mr. Hillol Saha Podder

... for the petitioner.

Mr. Sudipto Kumar Mazumdar, DSG
Mr. Sourab Kar

... for the CBI.

The learned counsel for the petitioner prays for bail of accused Sanjay Nag relying upon the order of a coordinate Bench granting bail to accused Ashis Dhar in CRM (DB) 435 of 2022. It is submitted that both the accused persons are on the same footing and he is in custody for more than three years and the trial involves about 60 witnesses when at present only charge has been framed.

Learned counsel for the CBI submits that the present accused was an absconder and could be arrested only with much difficulty and if he is released on bail, he will again abscond.

It is further submitted that he is one of the mastermind of the crime in this case.

On considering the materials on record and the case diary as placed by the CBI, we find that prima facie accused Ashis Dhar, who was granted bail by a coordinate Bench and the present accused are almost on same footing. The petitioner herein is in **custody for more than three years**. Considering the observation of the coordinate Bench, while granting bail to accused Ashis Dhar and the materials on record, we are inclined to grant bail to the present petitioner on the same conditions.

We are also of the opinion, further detention of the petitioner is not necessary, but his movement requires to be restricted in order to ensure that there is no intimidation or influence upon the witnesses.

Accordingly, the petitioner 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 ACJM, Siliguri on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall reside within the district of Cooch Behar until further orders and while on bail he shall not enter the State of Assam.

He also shall not enter the districts of Darjeeling and Jalpaiguri except for the purpose of attending court proceeding and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a month until further orders. In the event he fails to appear

before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 146 of 2023 is disposed of.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)