

05.07.2023

Item no.4

Court No.1.

AB

(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 305 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Pradhan Nagar Police Station Case No.1048 of 2022 Dated 20.12.2022 under Sections 186/353/333/307 of the Indian Penal Code read with Section 25 (i)(a)/27/28 of the Arms Act

And

In the matter of : Raj Pandey

.....Petitioner.

Md. Sabir Ahmed,
Mr. Hillol Saha Poddar,
Ms. Mousumi Dasfor the Petitioner.

Mr. A. S. Chakraborty, ld. APP,
Mr. Subhasis Misrafor the State.

Mr. Nabankur Pal,
Ms. Bedashruti Bosefor the Victim Police Personnel

Heard learned Advocate for the petitioner, learned Advocate for the State and learned Advocate for the victim police official at length.

Drawing attention to a photocopy of agreement for sale, it is contended on behalf of the petitioner that on account of a civil dispute, the police intervened illegally though it was a civil dispute and entered into the house of the present accused petitioner on the alleged day and made up a concocted story implicating the present accused petitioner in this case.

While opposing the prayer for bail, learned Advocate for the State submits before this Court that the case is absolutely genuine one and the same gets due support from the injury report of the victim as well as the statements of the witnesses as recorded either under Section 161 or 164 Cr.P.C. Charge sheet is stated to have been submitted.

On perusal of the entire material in the case diary and after hearing learned Advocates for the parties, it does not appear to us that this is a fit case for custodial trial. Accordingly, we are inclined to allow the prayer of the petitioner.

Accordingly, we direct that the petitioner, namely Raj Pandey shall be released on bail upon furnishing a bond of Rs.20,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri, and on further conditions that he shall meet the Officer in Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the territorial jurisdiction of the learned Trial Court unless permitted by the said Trial Court and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)