

11.07.2023
Item no.17
Court No.1.
AB
(Allowed)

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

CRM (DB) No. 348 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.187 of 2013 Dated 30.04.2013 under Section 420/406 409 of the Indian Penal Code

And

In the matter of : Sunil Kumar Sarkar Petitioner.

Mr. Anirban Banerjee for the Petitioner.

Mr. Sudipto Kr. Majumdar, Id. DSG,
Mr. Ajoy Kr. Singhanian,
Mr. Sudip Kr. Pal for the CBI.

Heard learned Advocate for the petitioner and learned Deputy Solicitor General appearing on behalf of the CBI at length.

It is contended that considering the long detention of the present accused petitioner and also considering the fact that investigation has already been completed, the instant application for bail may be considered favourably.

Learned Deputy Solicitor General, while opposing the prayer for bail, submits that the present accused petitioner was apprehended only on 13.05.2023 after a long chase.

We have perused the entire material in the case diary placed before us. We have given our due consideration to the

submissions of the learned Advocates for the contending parties. We are satisfied that in course of investigation, sufficient incriminating materials have been collected by the Investigating Agency and we are also satisfied that this is not a fit case for custodial trial.

Such being the position, we are inclined to allow the prayer of the petitioner.

Accordingly, we direct that the petitioner, namely Sunil Kumar Sarkar shall be released on bail upon furnishing a bond of Rs.40,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar and on further condition that the present accused petitioner shall not leave the territorial jurisdiction of Districts Jalpaiguri and Alipurduar till conclusion of trial unless permitted by the learned Trial Court and on further condition that the present petitioner shall meet the OC/IC of Bhaktinagar Police Station once in a fortnight for the next two years and on further condition that the petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. until further orders. The petitioner 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.)