

04.07.2023
Item no.27
Court No.1.
AB
(Allowed)

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

CRM (DB) No. 359 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No.380 of 2023 Dated 20.5.2023 under Sections 447/427 379/436/34 of the Indian Penal Code

And

In the matter of : Badal Oraon @ Urawo

.....Petitioner.

Ms. Rima Sarkar,
Ms. Sidhi Sethiafor the Petitioner.

Mr. Nilay Chakraborty,
Ms. Sukanya Adhikarifor the State.

Heard learned Advocate for the petitioner and the learned Advocate for the State at length.

It is submitted on behalf of the petitioner that in the instant case, a civil litigation has been converted into a criminal case with some oblique motive by the defacto complainant.

Learned Advocate for the State, however, opposes the prayer for bail.

On perusal of the entire materials as placed before us, it appears to us that admittedly, there lies a dispute of ownership between the defacto complainant and the present accused petitioner. Investigation has progressed substantially.

In our considered view, further custodial detention of the present accused petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Badal Oraon @ Urawo shall be released on bail upon furnishing a bond of Rs.5,000/-, 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 remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The 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 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.)

