

06.07.2023
Item no.18.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 371 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Kotwali Police Station Case No. 262/2022 dated 30.04.2022 under Section 409/419/420/468/471/201/120B of the Indian Penal Code.

And

In the matter of : Anirban GhoshPetitioner.

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar,for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das,for the State.

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

At the very outset, learned advocate for the petitioner draws attention of this Court to the order dated 09.05.2023 passed in CRM (A) 161 of 2023 and order dated 04.05.2023 passed in CRM (DB) 178 of 2023 whereby and whereunder two charge-sheeted co-accused persons were enlarged on bail by two separate co-ordinate Benches of this Court. It is contended that since the footing of the present accused petitioner is same with the co-accused persons already enlarged on bail, the present application for bail may be considered favourably.

While opposing the payer for bail of the present accused petitioner, learned advocate for the State has handed over the memo of evidence. It is contended that the present accused petitioner and his father being the principal accused are the kingpin of the racket who had siphoned off the money of the employees of the Municipality.

We have considered the material as placed before us. In our considered view the present case is primarily based upon documentary evidence. Investigation is stated to have been completed which means the Investigating Agency has already collected sufficient materials as against the present accused petitioner and the other co-accused persons for placing those in the trial to be commenced against the charge-sheeted accused persons.

Such being the position, we are convinced that further custody of the present accused petitioner is not necessary.

Accordingly, we are inclined to allow the prayer for bail.

Accordingly, we direct that the petitioner namely **Anirban Ghosh** 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 Special Court cum Learned Additional Sessions Judge, 2nd Court, Jalpaiguri. It is further ordered that the present accused petitioner shall remain present before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence

and/or commit any cognizable offence and/or create pressure or inducement and/or threat the witnesses in any manner whatsoever in course of the trial.

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.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)