

07.07.2023
Item no.11.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 377 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.63 of 2023 Dated 27.02.2023 under Sections 143/147/148/149/186/307/427/34 of the Indian Penal Code read with Section 25(1A)/27 of the Arms Act.

And

In the matter of: Tapas Das.

.....Petitioner.

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Gangully,
.....for the State.

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

On behalf of the present accused petitioner, it is contended that the present case is an outcome of a political rivalry wherein the present accused petitioner has been falsely implicated.

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

On perusal of the entire material in the case diary, it appears to us that the present accused petitioner is very much named in the FIR. It further appears to us that there are some incriminating materials as against the present accused

petitioner. However, in our considered view those materials are not sufficient to reject the prayer for bail since in the case diary, as produced before us, we have found no injury on any person.

Such being the position, we are inclined to exercise our discretion in favour of the present accused petitioner.

Accordingly, we direct the petitioner, namely, **Tapas Das** 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, Dinhata and on further condition that the petitioner shall report to the Investigating Officer of the concerned police station once in a week till submission of Final Form.

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.)