

12.07.2023
Item no.62.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 390 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.219 of 2023 Dated 18.06.2023 under Sections 143/323/325/34 of the Indian Penal Code read with Section 25(1A)/27 of the Arms Act.

And

In the matter of: Chandan Barman.
.....Petitioner.

Mr. Sudip Guha,for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Biswas,for the State.

The petitioner says that the incident was a result of political rivalry. The allegations in so far as he is concerned, are false.

We have seen the material in the case diary. There are some statements of witnesses recorded under Section 161 Cr.P.C. Such statements, prima facie, do not attract the provisions of the Arms Act. There is nothing specific against the petitioner. Further, the petitioner says that he is similarly circumstanced as one Manojit Roy who was granted bail by this Court on July 5, 2023. This submission that the petitioner and Manojit Roy stand on the same footing is strongly disputed by learned State advocate.

Be that as it may, from an overall assessment of the material on record, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct the petitioner, namely, **Chandan Barman** 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.)