

12.09.2023
06
mb

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

CRM (DB) 476 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with New Jalpaiguri Police Station Case No. 1327 of 2022 dated 21.12.2022 under Sections 120(B) of the Indian Penal and under Sections 3/4/5/10 of the Official Secrets Act.

In the matter of : Guddu Kumar

... petitioner

Mr. Sandeep Dutta

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

.....for the State.

1. Learned counsel for the petitioner contends that the petitioner is in custody for quite some time and charge sheet has already been filed. It is contended that the alleged nexus between the petitioner and the alleged crime is remote.

2. Moreover, it is argued that since the charge sheet has already been filed, there is no impediment in releasing the petitioner on bail.

3. Learned counsel appearing for the State opposes the prayer for bail and submits that incriminating materials were obtained from the mobile phone of the petitioner as well as from the custody of the petitioner.

4. Considering the nature of the allegations under the Official Secrets Act, 1923 and the apprehension that the

petitioner might engage in similar activities if enlarged on bail, the mere fact of charge sheet having been filed does not suffice to dispel presumptions in the present case.

5. Hence, since the enlargement of the petitioner on bail may cause apprehension of the trial being influenced, we are not inclined to grant bail to the petitioner.

6. Accordingly, CRM (DB) 476 of 2023 is dismissed.

7. It is expected that the trial of the petitioner shall be expedited as far as possible.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)