

JPD-07
Ct No.01
12.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 478 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Haldibari Police Station Case No. 154 of 2022 dated 25.05.2022 under Sections 379/411/414/409/420/120(B) IPC.

And

In the matter of: Rohit Kumar

.... petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha

... for the petitioner

Mr. Kallol Acharjee,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner contends that the petitioner is already in custody for 473 days.
2. Further, charge-sheet has already been filed and it is uncertain as to when trial will begin, since one of the co-accused persons is absconding.
3. Learned counsel for the State opposes the prayer for bail and submits that the petitioner was found in possession of several ATM cards and the charge is *prima facie* strongly established against the petitioner.
4. Be that as it may, we find that the petitioner is already in custody for 473 days and the charge-sheet has been filed. Hence, there is no reason for further incarcerating the petitioner till the trial is over; more so, since one of the accused persons is

absconding and it is uncertain as to when the trial shall be concluded.

- 5.** Accordingly, CRM (DB) 478 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Mekhliganj.
- 6.** The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
- 7.** Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)