

30.08.2023
Court No.01
rpan/15

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (DB) 490 of 2023

In Re : **Bittu Mandal**
- Petitioner

Mr. Somraj Paul
... for the Petitioner.

Mr. Kallol Acharjee,
Mr. Biswarup Roy
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bhaktinagar Police Station Case No. 328 of 2023 dated 26.04.2023 under Sections 341/323/324/307/379/34 of the Indian Penal Code.

Mr. Paul, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has already suffered detention on and from 1st May, 2023. He further submits that the offending weapon was also not sent for forensic examination. Upon completion of investigation, charge-sheet has also been submitted and as such, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner and as such, his prayer needs to be refused.

Having heard the learned advocates and considering the nature of allegations, the manner in which the offence has taken

place, the extent of complicity of the petitioner and the period of detention, we are of the opinion that further detention of the petitioner is not necessary, more so when upon completion of investigation, charge-sheet has already been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Bittu Mandal** shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri with a further condition that he shall meet with the Officer-in-Charge, Bhaktinagar Police Station once a week until further orders. He shall also attend the trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM (DB) 490 of 2023, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)