

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

**30.08.2023
Court No.01
Item No.18
Avijit Mitra**

CRM (DB) 502 of 2023

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Dulal Roy

...Petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das

....For the petitioner

Mr. Nilay Chakraborty,
Mr. Biswarup Roy

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kuchlibari Police Station Case No.18 of 2023 dated 07.03.2023 under Sections 14A/14C of the Foreigners Act, 1946.

Mr. Saha Poddar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded and he is an Indian citizen. He already suffered detention since 4th July, 2023 and that his name has transpired on the basis of co-accused's statement and in view thereof his further detention is not necessary and he may be enlarged on bail on any stringent condition.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to

several documents in the case diary and in view of the petitioner's antecedents his prayer may not be allowed, at this stage.

In reply, Mr. Saha Poddar submits that he has already obtained bail in previous cases in which he was falsely implicated.

Having heard the learned advocates appearing for the respective parties and considering the materials on record in the case diary, the period of detention and the fact that his name has transpired on the basis of co-accused's statement, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Dulal Roy**, 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 Additional Chief Judicial Magistrate, Mekhliganj with a further condition that the petitioner shall not leave the jurisdiction of Mekhliganj Police Station save and except for attending the learned Court below on all the dates as fixed for hearing.

The petitioner shall also meet with the Inspector-in-Charge of Mekhliganj Police Station once a week until further orders.

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 C.R.M. (DB) 502 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.)