

D/L. 19
September 12, 2023.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 542 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.09.2023 in connection with Bhaktinagar Police Station Case No. 570 of 2023 dated 09.07.2023 under Sections 307/325/341/34 of the Indian Penal Code, 1860.

And

In the matter of: Sri Bijoy Sarkar

.... Petitioner

Mr. Sabyasachi Banerjee,
Ms. Mrinal Palan

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Dhiman Sil

... for the State

Ms. Pratusha Dutta Chowdhury

...for the defacto complainant.

1. At the outset, learned counsel for the de facto complainant submits that the de facto complainant does not want to continue further with the allegations against the petitioner.
2. Learned counsel for the petitioner submits that the petitioner is the only accused person who was apprehended. The allegations pertain to a tussle between two warring groups.
3. There was an affidavit by the complainants indicating that they do not want to continue with the matter. In any event, it is submitted

that the parties do not want to continue with enmity among each other.

4. Learned counsel for the State opposes the prayer for bail.
5. It transpires that, considering the nature of the alleged offence against the petitioner and the surrounding circumstances, the petitioner is entitled to be released on bail.
6. Accordingly, CRM (DB) 542 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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.
7. The petitioner shall not leave the territorial jurisdiction of the District of Jalpaiguri till the end of the investigation, subject to further orders, if any, passed in that regard by the trial court.
8. Moreover, 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.)