

JPD-27
Ct No.01
22.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 579 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Dhupguri Police Station Case No. 421 of 2023 dated 12.08.2023 under Sections 302/201/379/34 adding Section 411 IPC.

And

In the matter of: Pritam Basak and another

.... petitioners

Ms. Amrapali Chaki

....for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Arjun Chaudhury

....for the State

- 1.** Learned counsel for the petitioners argues that the petitioners have been indicted under Section 411 of the Indian Penal Code. It is submitted that the petitioners are merely goldsmiths and in the absence of any specification as to how the petitioners had knowledge of the goods being stolen, the petitioners ought to be released on bail.
- 2.** Learned counsel for the State opposes the prayer for bail and submits that the investigation is not yet complete and charge-sheet has not yet been filed.
- 3.** We find that the petitioners are in custody for 40 days and the custody of the petitioners may be necessary at this stage, at least prior to the investigation being concluded, for a proper and complete investigation.

4. Hence, we are not inclined to grant bail at this stage to the petitioners.
5. Accordingly, CRM (DB) 579 of 2023 is dismissed.
6. However, the petitioners will be at liberty to renew their prayer for bail after the charge-sheet is filed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)