

27.09.2023.

Item No. 3

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 608 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 18.09.2023 in connection with Haldibari Police Station Case No. 154 of 2022 dated 25.05.2022 under Sections 379/411/414/409/420/120(B) of the Indian Penal Code.
And

In the matter of: **Mahesh Tamang.** ...petitioner

Mr. Dipankar Deb,
Mr. Satyum Sarkar. ...For the petitioner

Mr. Kallol Acharjee,
Ms. Sukanya Adhikary.For the State

1. The application for bail has been filed since charge-sheet has already been submitted against the three accused persons including the present petitioner on 9th June, 2022 under Sections 379/411/414/409/420/120(B) of the Indian Penal Code.

2. It is the case of the prosecution that 63 ATM Cards of third parties were in the custody of the petitioner and the other co-accused persons and a sum of Rs.29,900/- has already been withdrawn by the petitioner.

3. It appears from the records that the co-accused, namely, Rohit Kumar has been granted bail since charge-sheet has been filed in the case and other accused person is absconding.

4. The petitioner's bail application was rejected by a Co-ordinate Bench of this Court on 9th February, 2023 passed in C.R.M. (DB) No. 78 of 2023. The court below has expressed its apprehension that the petitioner may not remain within the jurisdiction if release on bail.

5. In view of the above, since charge-sheet has been submitted in the Court below and the petitioner is in custody for 491 days, this Court is of the view that the petitioner must be enlarged on bail.

6. Let the petitioner be released on bail upon furnishing bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Mekliganj, Cooch Behar.

7. It is also directed that the petitioner should not leave the local jurisdiction of the Court or the place of his residence without prior permission of the jurisdictional Court and the petitioner shall also record attendance with the Mekliganj Police Station once a week until further orders.

8. It is further directed that upon commencement of trial, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing on each date.

9. We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the

petitioner and take him into custody without any further reference to this Court.

10. C.R.M. (DB) No. 608 of 2023 is allowed and disposed of.

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

(*Supratim Bhattacharya, J.*) (*Rajasekhar Mantha, J.*)