

09.01.2024

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Allowed

C.R.M. (DB) No. 36 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah Police Station Case No. 841 of 2012 dated 13.12.2012 under Sections 376/511 of the Indian Penal Code.

And

In Re : Jugantar Sardar @ Jugan Sardar @ Jugantar @
Jugan Sarkar petitioner

Mr. Sibaji Kumar Das

Ms. Sabana Khatun

.....for the petitioner

Mr. Partha Pratim Das

Mr. Sujoy Sarkar

.....for the State

1. Learned Counsel for the petitioner submits he was on bail since 2013. In 2022 petitioner failed to appear and warrant came to be issued. Thereafter he has been arrested and is in custody for 103 days. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had absconded for more than a year.

3. We have considered the materials on record. Case is pending since 2019. In 2022 petitioner failed to appear. Thereafter he has been arrested. Under such circumstances, we are inclined to extend the same privilege of bail to the petitioner.

4. Accordingly, we direct that the petitioner 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, Kalyani, Nadia, and on further condition that while on bail petitioner shall meet the Officer-in-Charge, Chakdah Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever

5. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)