

13-03-2024
Item no.3
Subrata
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM(SB) No.34 of 2024
Dulal Bag
-vs-
The State of West Bengal

In Re: Application under **section 439 CrPC** in connection with Arambagh P. S. Case No. 32 of 2024 dated January 22, 2024 under sections 406/420/120B/34 IPC.

Mr. Niladri Sekhar Ghosh ...for the petitioner

Mr. Anwar Hossain
Mr. Amanul Islam ... for the State

The petitioner is in custody for about 51 days (from January 23, 2024).

Learned advocate representing the petitioner submits that having regard to the period of detention and the fact that the petitioner has cooperated in the cause of the investigation, further detention of the petitioner may not be warranted, and that on any stringent condition he may be released on bail.

On the other hand, Mr Hossain appearing for the State vehemently opposes the prayer for bail and submits that the petitioner is thickly connected with the offence of collecting amount from as many as 150 persons for fake reasons.

I have considered the respective submissions made on behalf of the parties and also inquired from the State regarding the possibility of the charge-sheet being submitted within the statutory period.

Having regard to the instructions so received by the learned advocate for the State, I am of the view that as the charge-sheet cannot be submitted within the statutory period as three more

persons are required to be interrogated who are not traceable, further detention of the petitioner is unwarranted. The prayer for bail of the petitioner is thus allowed.

Therefore, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees ten thousand) with two sureties of like amount each one of whom must be local, to the satisfaction of the learned ACJM, Arambagh.

The petitioner, if released, shall not leave the jurisdiction of Arambagh police station without permission of the inspector in-charge of the said police station and shall meet the investigating officer twice a week till submission of the charge-sheet. In the event of failing to do so, the trial court shall be at liberty to cancel the bail of the petitioner without any reference to this court.

The investigation officer will send a report of compliance of attendance of the petitioner to the learned ACJM, Arambagh once in a month till the submission of the charge-sheet.

CRM(SB) No.34 of 2024 is thus disposed of.

All concerned parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Tirthankar Ghosh, J]

