

51.
Court
No.6

15.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1387 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Beliabera Police Station Case No. 41 of 2015** dated **04.07.2015** under Sections **406/409/420/467/120B** of the Indian Penal Code and charge-sheet no. 64/21 dated 06.08.2021 submitted under Sections **406/420/467/120B** of the Indian Penal Code.

And
In the matter of: - **Subal Kuila & Anr.**

Mr. Prabir Kumar Mitra, Adv.,
Ms. Shubhanwita Ghosh, Adv.,
Mr. Pinak Kumar Mitra, Adv.,

...petitioners.

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP,
Mr. Dipankar Mahata, Adv.

...for the State.

The first petitioner is in custody for 120 days. The second petitioner is in custody for 108 days. They say that they are in no way involved with the alleged offence. The trial has not yet begun. There are 27 witnesses named in the charge-sheet. It is anybody’s guess as to when the trial will conclude. They should be enlarged on bail. There are 195 accused persons. Many of them have been enlarged on bail.

Learned Additional Public Prosecutor appearing for the State, opposes the prayer for bail and says that the petitioners and the other accused persons all obtained loan from various Co-operative Banks by furnishing fake gold as security. This is a serious offence, having an adverse impact on the economy of the country as a whole. To our query, learned Additional Public Prosecutor, in his usual fairness, admits that the other persons,

who have been granted bail, stand on the same footing as these petitioners.

Considering the period of detention of these petitioners and that investigation is complete and also on the ground of parity, we are inclined to allow the petitioners' prayer for bail.

Accordingly, we direct that the petitioners, namely, **1. Subal Kuila, 2. Samindra Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhargram, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1387 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)