

12.06.2024
Item no. 18.
Court No.28.
AB
(Allowed)

CRM (DB) 1691 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ranibandh Police Station Case No.42 of 2023 Dated 5.3.2023 under Sections 409/420 of the Indian Penal Code

And

In the matter of : Santosh Paul

.....Petitioner.

Mr. Proloy Bhattacharya,
Ms. Tanusree Ghosh,
Ms. Kamol Shaw,
Ms. Sanchayita Deyfor the Petitioner.

Mr. Bibaswan Bhattacharya
Ms. Madhumita Basakfor the State.

The petitioner says that he has no connection with the alleged offence under Section 420 of IPC. Section 409 would not apply since he is not a public servant. He says that he is in custody for more than 90 days. Investigation is complete. Charges sheet has been submitted. There is no reason why he should be further detained in custody.

Learned Advocate for the State opposes the prayer for bail. He says that the petitioner's father was running a fair price shop. However, since he was old, in fact, the petitioner used to run the shop. He sold the rationed food in open market and defalcated the funds. The extent of cheating is high. He should not be enlarged on bail.

We have considered the material on record and the rival contentions of the parties. Investigation is complete. Charge sheet has been filed. No useful purpose will be served by detaining the petitioner in custody any further.

Accordingly, we direct that the petitioner, namely Santosh Paul 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 Chief Judicial Magistrate, Bankura, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

