

12.07.2024

1
jb.
jdt.
Allowed

C.R.M. (SB) 92 of 2024

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (previously Section 439 of the
Code of Criminal Procedure) filed in connection with Pandua Police
Station Case No. 157 of 2008 dated 13.09.2008 under Sections
326/307/427/34 of the Indian Penal Code.

And

In Re : **Uttam Kumar Soren**

... Petitioner.

Ms. Minoti Gomes
Mr. Samrat Paul

... For the Petitioner.

Mr. Arijit Ganguly
Mr. Manoranjan Mahata

... For the State.

Heard learned counsels for the parties.

It appears that the petitioner was convicted for offences
punishable under Sections 325/34 of the Indian Penal Code and
sentenced to suffer rigorous imprisonment for two years and also
sentenced to pay fine of Rs.3,000/-, in default to suffer simple
imprisonment for three months by a judgment delivered by the
learned Chief Judicial Magistrate, Hooghly in G.R. case no. 884 of
2008. The petitioner filed a revisional application before this Court
challenging the said judgment and since he was not represented
before this Court on call, the revisional application was dismissed
for default by an order passed on 3rd April, 2023 in CRR 3743 of
2014. The application was restored to its original file and number
by an order passed on 22nd May, 2024.

Learned counsel for the petitioner submits that upon
dismissal of the revisional application the petitioner was arrested

and taken into custody on 11th September, 2023 and is in custody till date. The petitioner prays for bail.

Learned counsel for the State opposes the prayer for bail.

In view of the fact that the petitioner was on bail when the revisional application was filed and was subsequently taken into custody upon dismissal of the application which has since been restored, this Court is inclined to hold that further detention of the petitioner is not required.

Accordingly, the prayer for bail is allowed.

The petitioner namely Uttam Kumar Soren shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Chinsurah, Hooghly.

The application for bail, being CRM (SB) 92 of 2024, is, thus, disposed of.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)