

42. 03.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3047 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jhargram** Police Station Case **No.127/2023** dated **14.05.2023** under Sections **489B/489C** of the Indian Penal Code.

And

In the matter of: - **Rajat Mahata**

...petitioner.

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Mr. Ranabeer Halder

...for the petitioner.

Mr. Bibaswan Bhattacharya
Ms. Jonaki Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than one year and seven months. Not a single witness has been examined. The allegation is that 13 fake Indian Currency Notes of denomination of Rs.2000/- were recovered from him. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. While opposing the prayer for bail, learned State Advocate, in his usual fairness, says that although charge was framed in January 2024, not even one out of 12 charge-sheet named witnesses has been examined. January 27, 2025, has been fixed as the next date.

3. We, therefore, see that there is no possibility of an early conclusion of the trial. The trial has not even begun, so to say. The petitioner is in custody for a long period of time.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Rajat Mahata** shall be released on bail upon furnishing a 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 Additional Sessions Judge, 2nd Court, Jhargram, subject to condition that the petitioner 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 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall meet the Officer-in-Charge/Inspector-in-Charge of Jhargram Police Station once in a week, until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above 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.

7. The application for bail being CRM (DB) 3047 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)