

12.11.2024

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jdt.

Allowed

C.R.M. (SB) 150 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chandipur Police Station Case No. 31/2022 dated 06.02.2022 under Section 380 with added Section 411 of the Indian Penal Code.

And

In Re : **Prasanta Jana**

... Petitioner.

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sumit Routh

... For the Petitioner.

Mr. Arijit Ganguly
Ms. Eshita Dutta

... For the State.

It is submitted on behalf of the petitioner that the petitioner has been falsely implicated with an allegation under Sections 380/411 of the Indian Penal Code after about 2 years and 8 months of the complaint. The complaint does not disclose the name of any miscreant and it is alleged that one of the stolen mobile phones was recovered from the petitioner. The petitioner is in custody for 24 days. Investigation is still in progress.

Learned counsel for the State produces the case diary and takes this Court to the seizure list which indicates that one of allegedly stolen mobile phones was recovered from the possession of the petitioner. Learned counsel opposes the prayer for bail.

It appears that the petitioner is in custody for 24 days. Investigation is still in progress though the complaint was lodged on 6th February, 2022.

Upon consideration of the material available in the case diary, this Court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation. Accordingly, the prayer for bail is allowed.

The petitioner namely Prasanta Jana 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, Tamluk, Purba Medinipur subject to condition that the petitioner shall not tamper with the evidence and intimidate the witnesses in any manner whatsoever.

The application for bail, being CRM (SB) 150 of 2024, is, thus, disposed of.

Case Diary be returned.

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.)