

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

10.04.2024
Court No.01
Item No.18
Avijit Mitra

CRM (DB) 88 of 2024

In Re:- An application for bail under Section 439 of the
Code of Criminal Procedure, 1973;

And

In Re : Dipankar Adhikari

...Petitioner

Mr. Debasish Mukherjee,
Mr. Dilip Roy,
Mr. Somraj Paul

.... for the petitioner

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharya
...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Mathabhangra Police Station Case No.396 of 2023 dated 26.07.2023 under Sections 447/506/323/354/342/306/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated upon levelling unfounded allegations. He is languishing in custody for more than 133 days. There is no reasonable apprehension that the petitioner would flee from justice. In the said conspectus, further detention of the petitioner may not be

necessary and he may be granted bail on any stringent condition.

Mr. Acharjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are materials on record which would reveal the direct involvement of the petitioner in the alleged offence. In support of such contention he has drawn our attention to the statement of the witnesses and the suicide note.

We have heard the learned advocates appearing for the respective parties. Perused the materials on record including the suicide note and other materials in the case diary and assessed the role of the petitioner. It is a matter to be decided at the appropriate stage of the proceeding whether the alleged acts of the petitioner, *per se*, would constitute abetment of suicide. *Prima facie*, no contemporaneous document reveals that the petitioner wields influence over the witnesses. In the said conspectus and since upon completion of investigation, chargesheet has also been submitted, we are of the opinion that further detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely, **Dipankar Adhikari** shall be released on bail upon furnishing a 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 Additional Sessions Judge,

Mathabhanga, Cooch Behar with a further condition that the petitioner shall not enter the jurisdiction of Mathabhanga Police Station till the charges are framed save and except for attending the learned Court below on all the dates as fixed for hearing. He shall immediately intimate the address where he would be residing to the Officer-in-Charge of Mathabhanga Police Station. He shall meet with the Officer-in-Charge of the jurisdictional police station where he would be residing once a fortnight till framing of the charges

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the above observations and direction, the application for bail, being CRM (DB) 88 of 2024, is disposed of.

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

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)