

22.04.2024
Court No.01
Item No. 33

Rejected

sg

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

CRM (DB) 128 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case no. 83 of 2021 dated 10.04.2021 under sections 302/34 of the Indian Penal Code read with section 25/27 Arms Act, and section 3/4 of the E.S. Act and section 134B of R.P. Act corresponding RC0562021S0037/CBI/SCB/Kolkata (SIU-D) (charge sheet submitted under sections 147/148/149/302/307 IPC and sections 25(1-A)/27 of the Arms Act and section 3/5 of the E.S. Act and section 134B of R.P Act and section 3(1)(1), 3(2)(v) & 3(2)(va) of SC&ST Prevention and Atrocities Act.

And

In Re: **Nityananda Barman**

Petitioners

Mr. Hillol Saha Podder

For the Petitioner

Mr. Sudipto Kumar Mazumdar, Id. DSGI
Mr. Ajoy Kumar Singhanian,
Mr. Sourab Kar,

For the CBI

1. In view of the pendency of the Transfer Petition (Criminal) Diary No(s). 51357/2023 in which an order was passed on 14th February, 2024 by which further proceeding of the trial, referred to in the prayer clause from pages 58 onwards of the instant petition, has been stayed and in view of the submission made by learned DSGI appearing on behalf of CBI that the District Magistrate has granted sanction under the Arms Act subsequent to the order passed by the coordinate Bench on 23rd February, 2024.

2. However, reserving his right to decide on the clause under the Explosive Substance Act, we are not inclined to grant bail to the petitioner at this stage.
3. Prima facie, it appears that the prosecution is not responsible for the delay as the District Magistrate did not grant the sanction in time. In the meantime, the order of the Hon'ble Supreme Court has intervened. This order shall not prevent the present petitioner to approach in future after disposal of the Transfer Application.
4. CRM(DB)/128/2024 is, thus, dismissed.

(Soumen Sen, J)

(Partha Sarathi Sen, J)