

JPD-88
Ct No.01
31.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 348 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 617 of 2021 dated 17.06.2021 under Sections 121/121A/122/124A/153(b)/120B of the IPC.

And

In the matter of: **Tapash Roy @ Tapash Ray**

.... petitioner

Mr. Partha Pratim sarkar
Mr. Sudip Guha

... for the petitioner

Mr. Kallol Acharjee
Ms. Namrata Das

... for the State

1. The Memo of Evidence handed over by the State be kept on record.
2. The petitioner contends that the petitioner has been arrested on the basis of statements of co-accused persons.
3. The allegation against the petitioner is merely that the petitioner is an associate of the Kamtapur Liberation Organization (KLO), which is a banned outfit.
4. It is submitted that other ten accused persons who were arrested on similar allegations have been granted bail.
5. Learned counsel for the State opposes the prayer for bail and submits that from the Memo of Evidence, it is found that the evidence against the petitioner as alleged by the prosecution is

that the petitioner was “actively involved with the KLO and AKSU” and was connected with the Chairman of KLO and one other person who are reportedly running a training camp in Bangladesh and preparing youths for raising war against India.

- 6.** Other allegations against the petitioner are that the petitioner was allegedly found active collecting money from different people for sending the same to his alleged leader of KLO at Bangladesh and that the petitioner and other youths were trying to enter Myanmar for attending arms training from a KLO camp situated at Myanmar.
- 7.** Thus, the crux of the allegation against the petitioner till date is that the petitioner was trying to cross the border to Myanmar and that the petitioner had been collecting money.
- 8.** The connection of the petitioner with the banned outfit is not clear even from the Memo of Evidence.
- 9.** Moreover, since other similarly placed co-accused persons have already been enlarged on bail, we do not find any reason to deviate in case of the petitioner.
- 10.** Accordingly, CRM (DB) 348 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Siliguri.

- 11.** The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
- 12.** Further, the petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)