

05.12.2024
SL No.07
s.biswas
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 678 of 2024

In Re: - An application for bail under Section 483 of the BNSS corresponding to Section 439 of the Cr.P.C. in connection with **Pundibari** P.S. Case No. **800/2023** dated **07.11.2023** under Sections **323/325/406/467/468/471/120B** of the IPC.

And

In the matter of: **Anukul Roy**

....Petitioner

Mr. Sourav Ganguly
Ms. Risita Chakraborty
Ms. Keya Sarkar

...for the Petitioner

Mr. Abhijit Sakar
Ms. Namrata Das

...for the State

1. Petitioner has been in custody for 616 days. He prays for grant of bail on the ground that even if it is assumed that he has abetted the crime or is a conspirator behind the alleged execution of the deed of sale in the name of Parbati Saha and Rekha Saha, the provision of Section 13(1)(d) and 13(2) cannot be invoked against the petitioner as he is not a public servant and in no way associated with the process of registration of the deed.
2. Learned counsel appearing on behalf of the state produces the case diary and opposes the prayer for bail. He submits that investigation has been directed to be conducted by the Superintendent of Police, Cooch Behar and the petitioner is the main conspirator behind the entire execution and registration of the deed.

3. The charge-sheet has not been submitted. Investigation is going on. The punishment prescribed for the offence allegedly committed by the petitioner ranges between 7 and 10 years. The petitioner is in custody for more than 60 days.
4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar, subject to the condition that the petitioner shall meet the investigating officer once in a week till conclusion of the investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offence in future. The petitioner shall not leave the jurisdiction of the trial court until further orders.
5. In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
6. The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)