

07.05.2025

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jb.

jdt.

Allowed

C.R.M. (M) 111 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Bidhannagar Women Police Station Case No. 19/2016 dated 13/09/2016 under Sections 417/419/420/493/376/34 of the Indian Penal Code.

And

In Re : Rakesh Roy Chowdhury

Mr. Achin Jana

... For the Petitioner.

Mr. S. S. Imam

Md. Kutubuddin

... For the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner was on bail all throughout and failed to appear before the learned trial Court on 22nd January, 2019 for which warrant of arrest was issued against him. The petitioner was in custody in connection with other cases and produced before the learned trial Court on the strength of production warrant on 21st March, 2022. He is in custody in connection with the present matter since then.

Learned counsel for the petitioner submits that the petitioner was unable to appear before the learned trial Court on 22nd January, 2019 since on that date he was in custody in connection with other cases filed against him.

Learned counsel for the State opposes the prayer and submits that the petitioner has several criminal antecedents and may not be released on bail at this stage.

I have considered the material on record. The petitioner was on bail all throughout and was absent before the learned trial Court on a single date for which warrant of arrest was issued against him. The prosecution did not choose to seek cancellation of his bail granted by the learned trial Court.

Since the petitioner undertakes not to misuse his liberty henceforth, he may be granted bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Rakesh Roy Chowdhury shall 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 Additional Chief Judicial Magistrate, Barasat subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is 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.)