

21.08.2025

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jb.

jdt.

Allowed

C.R.M. (M) 1101 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 CBI, Special Crime Branch Kolkata case no – RC-1(S)/11/KOL dated 19.01.2011 originated from Darjeeling Sadar Police Station Case No. 89/10 dated 21.05.2010 under Sections 147/148/149/427/506/302/120B with added Section 34 of the Indian Penal Code.

And

In Re : Purna Bahadur Rai @ Puran Rai

Mr. Sayan De
Mr. Sayan Kanjilal

... For the Petitioner.

Mr. Amajit De

... For the CBI

Report submitted by the CBI is taken on record.

Heard learned counsels for the parties.

The petitioner was released on bail by this Court on 26th September, 2012. Though he complied with the conditions of bail initially, he refrained from appearing before the learned trial Court subsequently for which warrant of arrest was issued against him in 2017. Thereafter warrant of proclamation and attachment was issued against him and the case was filed for the present. Open ended warrant of arrest was issued against him on 20th November, 2024 on the strength of which he was arrested on 6th February, 2025 and is in custody since then.

The petitioner undertakes to comply with any direction given by this Court if granted bail and also not to misuse the liberty of bail henceforth. This Court is informed that

charges have been framed and witness action would commence on 25th August, 2025.

In an application seeking transfer of the case filed by the co-accused before the Hon'ble Supreme Court, the Hon'ble Supreme Court, by an order passed on August 17, 2017 directed the learned trial Court to hold trial at the City Sessions Court by video conferencing for which facilities were directed to be set up at Calcutta and Darjeeling. It was further directed that if the trial Judge was of the opinion that physical presence of a particular witness or accused was necessary before the Court at Calcutta, he would make a specific order to that effect giving sufficient time to the person to appear before the Court.

Considering the period of detention of the petitioner as well as his undertaking given before this Court, this Court is of the view that further detention of the petitioner is not required. He may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Purna Bahadur Rai @ Puran Rai 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 Chief Judicial Magistrate, Calcutta subject to condition that he shall not enter the jurisdiction of Darjeeling and Jalpaiguri districts and shall furnish the address where he shall presently reside before

the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court virtually in terms of the direction of the Hon'ble Supreme Court and shall enter the jurisdiction of Darjeeling district only for the said purpose. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever. He shall provide his mobile number to the CBI, Crime Branch and shall not change the same without prior intimation to the said authority.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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.

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.)