

10.01.2025
Item No.4
Ct.No.34
rc.
Allowed

C.R.M. (SB) 176 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 filed in connection with the C.R. Case No. 299 of 2024, Kushmandi Rang POR No. 113/KUS of 2024 dated 21st October, 2024 under Sections 39/9/49(B)/51 of the Wildlife Protection Act, 1972.

And

In Re : **1. Bahadur**
 2. Bablu Patharkat
 3. Dipak Patharkat
 4. Pappu Patharkat
 5. Rabi Patharkat

... Petitioners.

Mr. Sujoy Sarkar
Mr. Musharaf Alam
Ms. Sneha Srivastava

... for the Petitioners

Ms. Sayanti Santra
Ms. Sreetoma Das

... For the State.

Report submitted by the State is taken on record.

Learned counsel for the petitioners submits that the petitioners are in custody for about 81 days. Charges have been framed and witness action is in progress.

In opposing the prayer, learned counsel for the State submits that the petitioners are residents of Uttar Pradesh and may abscond if released on bail at this stage. Cross examination of witnesses is pending and the trial is on the verge of completion.

It appears that the petitioners are in custody for about 81 days. Trial of the case is in progress. Further detention of the petitioners is not required and they may granted bail subject to stringent conditions.

Hence, the prayer for bail is allowed.

Accordingly, the petitioners being (1) Bahadur, (2) Bablu Patharkat, (3) Dipak Patharkat, (4) Pappu Patharkat and (5) Rabi Patharkat be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur Sub-Divisional Court at Buniadpur, Dakshin Dinajpur subject to condition that the petitioners shall appear before the learned Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. Petitioners shall not leave the jurisdiction of Gangarampur Police Station without prior permission of the learned Trial Court.

In the event the petitioners fail to appear before the learned Trial Court without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 176 of 2024, is, thus, 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.)