

Criminal Misc. Case – 592 / 2024
C.N.R.No. - WBJP010014142024

Order No. 08 dated 12.06.2024

The application under Section 438 of the Cr.P.C. filed by the accused-petitioner, namely, Sanjib Sarkar @ Charu, praying for anticipatory bail in connection with Bhorer Alo P.S. Case No.63/2024 dated 30.03.2024 under Sections 465/468/471/420/506 of I.P.C., corresponding to G.R. Case No.1550/2024, is taken up for hearing.

Heard both sides.

Perused the materials on record and the Case Diary.

Considered.

Learned Lawyer for the accused-petitioner submits that no bail petition has been filed in connection with this case either before any higher Court or in this court on any earlier occasion and an affidavit has also been filed on behalf of the accused-petitioner in support of such contention by the Ld. Defence Lawyer. Ld. Public Prosecutor, Jalpaiguri also concedes to the fact as submitted the Ld. Defence Lawyer.

Ld. Lawyer for the accused-petitioner, by filing some photo copies of documents, submits that the photo copies of the documents would reveal that the informant along with two others actually sold the alleged plots of land themselves and so, there is no occasion that the present accused-petitioner used any power of Attorney. From such facts, he concludes that the present case has been falsely lodged on account of landed dispute between the parties.

Ld. Public Prosecutor, Jalpaiguri submits that copies of some documents containing signatures of the informant are lying in the case record. He leaves the matter to the discretion of this Court.

On perusal of the materials available before this Court, it appears that the dispute between the parties is primarily Civil in nature. Purpose of investigation can be taken care of by directing the accused-petitioner to meet the investigating officer regularly. All the alleged offences are triable by the Court of Ld. Judicial Magistrate (First Class). Investigation in this case has progressed to a considerable extent.

Considering all the above facts and circumstances, this Court does not consider the case of such a nature so as to send the present accused-petitioner behind bar and accordingly, prayer for anticipatory bail submitted on behalf of the above named accused-petitioner in connection with the above referred case, stands allowed.

Accused-petitioner, namely, Sanjib Sarkar @ Charu in the event of his arrest, in connection with the above referred case, may find bail of Rs.10,000/- with two sureties of Rs.5000/- each, subject to satisfaction of the arresting officer, on condition that he shall meet the investigating officer daily till conclusion of investigation in this case and also shall comply with the requirements as enumerated under Sec.438(2) Cr.P.C.

Let it be made clear that if the accused-petitioner fails to meet the Investigating officer as directed by this Court in this order, then this order granting anticipatory bail to him, shall automatically stand cancelled and in such an eventuality, the Investigating officer or any other police officer of Bhorer Alo P.S. shall be at liberty to arrest the accused-petitioner then and there without any further reference either to this Court or to the Court of Ld. Chief Judicial Magistrate, Jalpaiguri.

Send a copy of this order along with L.C.R to the learned C.J.M, Jalpaiguri, for information and taking necessary action.

Also send a copy of this order to the investigating officer for his information.

Return the Case Diary.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected,

Sessions Judge,
Jalpaiguri
WB00637

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Jalpaiguri
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