

12.
14-11-2024
(ct. no.01)
debajyoti
(allowed)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction
APPELLATE SIDE
CRM (DB) 572 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Ghoksadanga Police Station Case No.432 of 2024 dated 13-08-2024 under Sections 126(2)/118(1)/117(2)/118(2)/109/351(3)/3(5) of the BNS, 2023.

- A n d -

In the matter of : Mantu Dey

.... Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... For the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das (V.C.)

... For the State.

Mr. Subhasish Misra

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. Leave is granted to the petitioner to correct the cause title.
2. The petitioner says that he has been falsely implicated. There is a land dispute between the petitioner's family and the family of the defacto complainant. That is why, this false

complaint has been lodged. He is not involved with the alleged offence in any manner whatsoever. He has been in custody for 90 days. Investigation is complete. Charge sheet has been filed. His continued custodial detention is unnecessary.

3. Opposing the prayer for bail, learned advocates for the State and the defacto complainant draw our attention to the material in the Case Diary. We have seen the injury report. The injury is described as simple. We have also seen the statements of the victims recorded under Section 164 Cr.P.C.

4. On an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged crime and also considering that charge sheet has been submitted upon completion of investigation, we are of the view that further custodial detention of the petitioner is not necessary. Hence, we are inclined to grant bail to the petitioner on stringent conditions.

5. Accordingly, we direct that the petitioner, namely, **Mantu Dey**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Mathabhanga. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of local police station except for the purpose of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the said police station. The petitioner shall inform the learned trial Court and the local police station his current local address where he shall be

residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of Ghoksadanga police station twice a week, until further orders. The petitioner shall not leave the jurisdiction of the learned trial Court until further orders and shall not meet the persons acquainted with this case.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Biswaroop Chowdhury, J.) (Arijit Banerjee, J.)