

Bappa Chatterjee Vs. the State of Jharkhand

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Court : Jharkhand

Decided On : Aug-31-2013

Appellant : Bappa Chatterjee

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI. B.A. No. 6578 of 2013
Bappa Chatterjee Petitioner -V e r s u s- The State of Jharkhand ... Opposite Party
CORAM: - HONBLE MR. JUSTICE P.P. BHATT For the Petitioner : - Mr. Ashim
Kr. Sahani, Advocate. For the State : - A.P.P. 2/31.08.2013 The present bail
application is filed under Sections 439 and 440 of the Code of Criminal Procedure
seeking bail in connection with Adityapur P.S. Case No.62 of 2013 dated
23.08.2013 (G.R. No. 264 of 2013) for the alleged offence punishable under
Section 395 of the Indian Penal Code, now pending in the Court of learned Chief
Judicial Magistrate, Seraikella. Heard the learned counsel for the petitioner as well
as learned APP appearing on behalf of the State Perused the F.I.R. and other
papers annexed to the application. Learned counsel for the petitioner has
submitted that the petitioner has been falsely implicated in the alleged crime. It is
further submitted that the petitioner was arrested on the basis of the statement of
the co-accused. Learned counsel for the petitioner has further submitted that even
the T.I.P. is also under the cloud and there is a complaint made by the accused
persons through jail before the C.J.M. It is further submitted that the petitioner is in
custody since 14.3.2013 and the petitioner is not having any criminal antecedent,

and therefore, he may be enlarged on bail. Learned A.P.P. while opposing the bail application submitted that the petitioner has been arrested in connection with the serious offence punishable under Section 395 of the Indian Penal Code. It is further submitted that a lot of money has been recovered from the possession of the present petitioner and the present petitioner has been identified in the T.I. Parade, and therefore, looking to the present petition and the alleged offence, the bail application filed by the petitioner may be rejected. Considering the aforesaid rival submissions, it appears that the petitioner has been implicated in the alleged offence punishable under Section 395 of the I.P.C.; it appears that the present petitioner has been arrested on the basis of the statement made by the co-accused and the petitioner is in custody since 14.3.2013, and moreover, the investigation is over and the charge sheet has been submitted, therefore, now, there is no possibility of the tampering with the prosecution evidence. Moreover, there are no criminal antecedent. Therefore, having regard to the nature and gravity of the accusation, this Court is of the view that the petitioner is required to be enlarged on bail. Having regard to facts and circumstances of the present case, the petitioner, namely Bappa Chatterjee is directed to be enlarged on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Seraikella, in connection with Adityapur P.S. Case No. 62 of 2013, corresponding to G.R. No. 264 of 2013, subject to the following conditions; 1. that applicant shall attend in accordance with the conditions of the bond executed under this chapter, 2. that applicant shall make himself available for interrogation by a police officer as and when required, 3. that applicant shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence, 4. that applicant shall not leave India without the previous permission of the Court, and 5. that the applicant shall mark his presence before the concerned police station in any day of the first week of every month till the commencement of trial. (P.P. Bhatt, J.) SI/