

**S.L.15.
Ct. 05**

**01.10.2026
Bd.
Allowed.**

In the High Court at Calcutta

**Circuit Bench at Jalpaiguri
CRM (M) 350 of 2026**

Handru Oraon

Vs.

State of West Bengal

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kharibari Police Station case no. 328 of 2026 dated 08.08.2026 under Sections 316(3)/318(2)/336(3)/338/340(2)/111(1)/111(3)/111(6)/111(7) of BNS 2023.

Mr. Sabir Ahmed

Mr. Hillol Saha Poddar ...for the petitioner

Mr. Avrojoyti Das

Mr. Gobinda Ghosh

Mr. Rajdeep Das ... for the State.

In this application the petitioner in support of his bail prayer has contended that he is in custody for about 43 days and that some other accused persons have already obtained bail.

The allegation levelled in the FIR is that in the year 2020 Mechi Market Byabsayee Welfare Association obtained lease of a plot of land measuring about 7.92 acres, from the Government of West Bengal, but said association also illegally encroached Government land measuring about 3.61 acres and had sold the same to several persons by executing false agreement and thereby collected huge amount of money.

Learned counsel appearing for the petitioner submits that during construction of Asian Highway No. 2,

many shop owners were displaced and thereafter said shop owners put their shop over said plot of land and they had collectively formed Mechi Market Byabsayee Welfare Association and Government of West Bengal also provided long term settlement lease of 7.92 acres of land in favour of the association for a period of thirty years.

Petitioner being the port-folio holder used to collect premium from sub-lessee but the prosecution case is that he being the port-folio holder illegally had sold that leasehold land to others and had collected money, which is not true. He further submits that the information obtained under the Right to Information Act, clearly reveals that no construction took place and no new sale of the land took place and the story of prosecution regarding alleged sale is false. He further submits that after the change in regime of political scenario the defacto complainant lodged this false complaint after lapse of a period of five years without any explanations only with intent to meet out political vendetta. Therefore, he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer and he pointed out page 12 of the case diary, which though used the term "sold" but actually a document in the form of money receipt, which discloses that the petitioner has obtained certain amount of money from Bharat Soud by selling the land. He further pointed

out that Clause 7(a) of the lease deed provides that transfer of said land is strictly prohibited. Therefore the petitioner is on a different footing with that of the other accused persons, who has already been obtained bail.

Having heard learned counsel appearing on behalf of both the parties and also in view of materials available so far in the case diary in respect of the present petitioner and that the petitioner is in custody for about 43 days and that that the investigation in respect the present petitioner must have advanced to a considerable extent, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Handru Oraon**, shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri, and also on condition that the accused person shall not misuse the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the geographical limit of district of Siliguri

without taking leave from the court below and shall report to the Inspector-in-charge/Officer-in-Charge, Siliguri Police Station once in a week until it has been relaxed by the court below. The court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any further reference to this court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (M) 350 of 2026 is disposed of.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)