

28.08.19

Sl. No.8

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 762 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.08.2019 in connection with Mathabhanga Police Station Case No. 263 of 2019 dated 08.07.2019 under Sections 451/376/511/323/354/34 of the Indian Penal Code. (G.R. Case No.545 of 2019)

And

In Re: ***Abul Hossian***

... .. Petitioner

Mr. Hillol Saha Podder .. Advocate

... .. for the petitioner

Mr. Kallol Acharjee .. Advocate

Ms. Namrata Das .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 451/376/511/323/354/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is in custody for about 43 days and that he has been falsely implicated in the instant case due to family dispute.

Learned Counsel for the State produces the case diary and opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations and in view of the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Abul Hossian***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)