

CRM (DB) 540 of 2022

24.03.2022
Sl. 35
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **21.02.2022** in connection with **Dholahat** Police Station Case No. **252** of **2009** dated **25.09.2009** under Sections **302/120B/34** of the Indian Penal Code and Section **9(b)** of the Indian Explosives Act.

And

In the matter of: **Jaharul Hak Halder @ Jahorul Halder & Anr.**
....petitioners.

Mr. Debasish Roy,
Ms. Sreemayi Roy,

...for the petitioners.

Mr. Rudradipta Nandy,

... for the State.

Mr. Md. Jannat Ul Firdous,
Mr. Rajesh Naskar,

...For the defacto complainant.

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the first petitioner is 73 years of age while the second petitioner is 66 years of age. The petitioners were falsely implicated. He submits that out of 31 persons charge-sheeted, 21 were enlarged on bail. He submits that the second petitioner is in hospital due to his medical condition.

Learned advocate appearing for the State draws the attention of the Court to two 164 Statements recorded under the Criminal Procedure Code.

It appears from the statements of two persons recorded under Section 164 of the Criminal Procedure Court that the petitioners are said to be present in a meeting few days prior to the incident. The discussions in the meeting are not stated in the two statements under Section 164 of the Criminal Procedure Code. Allegations against the petitioners are omnibus in nature.

Considering the period of detention of the petitioners and their respective ages and considering the medical condition of the second petitioner and considering the materials in the case diary, we deem it appropriate to enlarge the petitioners on bail.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, South 24 Parganas, subject to the condition that during bail they shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **CRM (DB) 540 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

