

05.07. 2022
item No.24
n.b.
ct. no. 34

CRM(SB) 153 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Criminal Misc Case no.2788 of 2022 arising out of Datan Police Station Case No.174/2022 dated 13.5.2022 under Sections 379/411/188/120B/427/34 of the Indian Penal Code and Section 3 of PDPP Act.

And

In Re: **Sk. Habibur Rahaman @ Rabbani**
.....petitioner.

Mr. Malay Bhattacharyya,
Mr. Pradip Paul,
Mr. Subhrajyoti Ghosh
.....for the Petitioner

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. Raju Mondal
.....for the State

Mr. Bharttacharyya, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 52 days and search and seizure in respect of the subject matter of the case has already been completed.

Mr. Panda, learned advocate appearing for the State produces the Case Diary and opposes the prayer for bail.

The attention of the court has been drawn to the seizure list and the statement of the witnesses. Prima facie, I find that the subject matter relates to Section 379 of the IPC for cutting down the trees near the crematorium.

Having regard to the period of detention of the present petitioner, I am of the view that further detention is unwarranted. As such, the prayer for bail is allowed.

Accordingly, the petitioner shall 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, Datan. The petitioner shall co-operate with the investigating officer and shall not tamper with any evidence of the case. The petitioner shall meet with the investigating officer of the case once in a fortnight till the submission of the charge sheet.

The application for bail, being CRM(SB) 153 of 2022, is, thus, disposed of.

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

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

(Tirthankar Ghosh, J.)