

01.08.2022
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 2469 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.07.2022 in connection with Samsherganj Police Station Case No. 202 of 2022 dated 11.06.2022 under Sections 338/448/325/307/436/120B of the Indian Penal Code. (G.R. Case No.1349 of 2022)

And

In Re: ***Abdul Motalab @ Abdul Motaleb***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 52 days. It is further submitted petitioner is a student and has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits accused persons had participated in an unlawful demonstration with regard to comments made on social media. Such activity had spread hatred among communities and adversely affected public order.

We have considered the materials on record. Petitioner was 19 years old and had taken his Higher Secondary examination. No specific overt act is attributed to him. Keeping in mind the young age of the petitioner and the general and omnibus nature of allegations, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Abdul Motalab @ Abdul Motaleb***, be released on bail upon furnishing a 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, Jangipur, Murshidabad 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**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)