

29.07.2022
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 2521 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.07.2022 in connection with Rajabagan Police Station Case No. 37 of 2022 dated 12.03.2022 under Sections 307/326/506/34 of the Indian Penal Code.

And

In Re: **Md. Shahbaz @ Hatim**

... .. Petitioner

Mr. Dev Kumar Sharma

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Arani Bhattacharyya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 139 days. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedents.

We have considered the materials on record. Incident occurred in course of sudden quarrel. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Md. Shahbaz @ Hatim**, 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, Alipore, South 24-Parganas 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Rajabagan Police Station except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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.)