

06.12.2022  
Sl. No.36  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4293 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2022 in connection with Bhagwangola Police Station Case No.132 of 2022 dated 05.03.2022 under Section 307 of the Indian Penal Code and Sections 3/4/5 of the Explosive Substances Act. (G.R. Case No.608 of 2022)

And

In Re: ***Asarul Hoque @ Asha @ Asharul Sk.***

... .. Petitioner

Mr. Sabyasachi Chatterjee  
Mr. Sandipan Das  
Mr. Badul Karim

... .. for the petitioner

Ms. Zareen N. Khan  
Mr. Arup Sarkar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 254 days. It is further submitted petitioner has been falsely implicated in the instant case.

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

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. No one suffered injuries in the incident. In view of the aforesaid circumstances and period of detention suffered by the petitioner, 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 ***Asarul Hoque @ Asha @ Asharul Sk.***, 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, Lalbagh, 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Bhagwangola Police Station until further orders 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 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**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**