

12.12.2022
Sl. No.48
akd
[ALLOWED]

C. R. M. (DB) 4362 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2022 in connection with Kumarganj Police Station Case No. 58 of 2021 dated 29.03.2021 under Sections 341/325/304/34 of the Indian Penal Code. (G.R. Case No.353 of 2021)

And

In Re: ***Habibar Rahaman & Anr.***

... .. Petitioners

Mr. Shounak Mukhopadhyay
Ms. Subarnarekha Misra
Ms. Rimpa Das
Mr. Roumyadip Saha

... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy

... .. for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that they are in custody for over a year. Co-accuseds have been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Petitioners are in custody for a considerable period of time. There is little progress in the matter since the rejection of bail by this court. Co-accuseds have been enlarged on bail. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely ***(1) Habibar Rahaman & (2) Habib Miya @ Babu***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Dakshin Dinajpur at

Balurghat subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)