

07.03.2022

COURT : 01
ITEM : 12
MATTER : 439
STATUS : ALLOWED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (DB) 60 of 2022

In Re:- An application for **bail** under section **439** of the Code of Criminal Procedure filed on March 2, 2022 in connection with New Jalpaiguri (NJP) Police Station Case No. 1246 of 2021 dated 23.11.2021 under Sections 307/34 of the Indian Penal Code read with Section 25(1A)/27/35 of the Arms Act. (G.R. Case No. 6362 of 2021)

And

In the matter of: **Danesh Muhammad**

...Petitioner

Mr. Sayan De, Advocate

Mr. Manash Dutta Chowdhury, Advocate

Mr. Sampad Das, Advocate

Ms. Esha Acharya, Advocate

...for the Petitioner

Mr. Ujjwal Luksom, Advocate

Mr. Sourav Ganguly, Advocate

...for the State

The petitioner is seeking bail in connection with New Jalpaiguri (NJP) Police Station Case No. 1246 of 2021 dated 23.11.2021 under Sections 307/34 of the Indian Penal Code read with Section 25(1A)/27/35 of the Arms Act.

According to the learned Advocate for the petitioner he is already in custody in connection with other case registered against him and has been shown arrested in the instant case as well. Learned Advocate put much emphasis on the fact that there is no incriminating material found against him while interrogated in jail after obtaining permission of the Court, nor the FIR or any other documents revealed his name to show his complicity to the commission of offence.

The learned Advocate for the State opposes the prayer for bail. Our attention is drawn to the complaint lodged by the victim

as well as the statement of the petitioner taken while in jail. Though the investigation is still in progress but the fact remains that after the petitioner was taken in police custody and also interrogated while in jail, the statement made therein do not instill any confidence in us justifying further custody of the petitioner in the instant case.

The prayer for bail is thus **allowed**.

Accordingly, we direct that the petitioner namely, **Danesh Muhammed**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to the fact that he should not be released having already detained in connection with other case.

The application for bail being **CRM (DB) 60 of 2022** accordingly **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J)