

20.
13-01-2022
(ct. no.01)
debajyoti
(allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

Via Video Conference

CRM 1251 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No.526 of 2021 dated 11-10-2021 under Sections 447/326/307/302/34 of the Indian Penal Code read with Sections 25(1A)/27 of the Arms Act.

- A n d -

In the matter of : Abdul Ajiz Miya & Anr.

.... Petitioners.

Mr. Surajit Basu,
Mr. Ratan Chandra Roy

... For the Petitioners.

Mr. Aditi Shankar Chakraborty, learned APP,
Mr. Sourav Ganguly

... For the State.

The petitioners say that they are in custody for about 94 days.

We have seen the material in the Case Diary. Although the charges appear to be grave, *prima facie*, there does not appear to be incriminating material against these two petitioners. They are not named in the FIR. The eyewitnesses in their statements have not mentioned these petitioners.

On an overall assessment of the facts and circumstances of the case and the material on record and considering that Charge Sheet has been submitted upon completion of investigation, we are of the view that further custodial detention of these petitioners is not necessary.

Accordingly, we direct that the petitioners, namely, **Abdul Ajiz Miya** and **Mijanur Alam**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Dinhata. The petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

The application for bail being CRM 1251 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)