

10.01.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 59 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Banshihari Police Station Case No.290 of 2022 dated 25.11.2022 under Sections 447/323/325/506/34/307 of the Indian Penal Code. (G.R. Case No.1267 of 2022)

And

In Re: **Arif Hossain**

... .. Petitioner

Mr. Asim Kumar Chakraborti
Mr. Sajal Kanti Bhattacharyya

... .. for the petitioner

Mr. Imdadul Hoque

... .. for the de-facto complainant

Ms. Anasuya Sinha
Ms. Subhasree Patel

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 45 days. It is further submitted petitioner has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

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

We have considered the materials on record including the injury report. Injury report does not disclose external injury. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Arif Hossain**, 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, Gangarampur at Buniadpur, Dakshin Dinajpur 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.

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.)