

06.02.2023.
38.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 450 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P. S. Case No.431 of 2021 dated 21.07.2021 under Sections 498A/302/201 of the Indian Penal Code.

In the matter of : Harun Rashid @ Harun Rosid.
.... Petitioner.

Mr. Amit Ranjan Pati,
Mr. Ashok Halder,
Ms. Reshmi Mukherjee.
...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Aniket Mitra.
...for the State.

Petitioner is in custody for over 500 days. It is submitted prosecution witnesses during course of examination admitted the petitioner was in Kerala at the time of occurrence. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. We have also examined the evidence of the witnesses. During cross-examination, most of them stated that the petitioner was in Kerala at the time of occurrence.

In view of the aforesaid exonerative circumstance and as only police witnesses are yet to be examined and there is no chance of the said witnesses being won over, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Harun Rashid @ Harun Rosid 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 Additional Chief Judicial Magistrate, Raiganj, Uttar Dinajpur subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)