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AD

C.R.M. (DB) 715 of 2023
with
C.R.M. (DB) 716 of 2023
With
C.R.M. (DB) 723 of 2023
with
C.R.M. (DB) 727 of 2023
with
C.R.M. (DB) 747 of 2023
with
C.R.M. (DB) 753 of 2023
with
C.R.M. (DB) 754 of 2023
with
C.R.M. (DB) 755 of 2023

There subsists orders dated February 22, 2023 passed in CRM (DB) 715 of 2023 and CRM (DB) 723 of 2023 requiring listing of all the eight applications for bail for being taken up for consideration analogously today.

Pursuant to such orders, we heard the learned Senior Advocate appearing for the petitioners and the learned Public Prosecutor in respect of all the bail applications, analogously.

We perused the case diaries in respect of all the police cases involved.

Four police cases are involved in the eight applications for bail. Such police cases are New Market Police Station Case No.12 of 2023, Hare Street Police Station Case No.17 of 2023, Kolkata Leather Complex Police Station Case No.12 of 2023 and 13 of 2023. The police cases relates to situations developing on a particular day in respect of a political rally.

In Re.: C.R.M. (DB) 715 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hare Street** P.S. Case No.17 of 2023 dated 21/01/2023 under Sections

143/147/149/152/332/333/283/307/427 of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9** of the West Bengal Maintenance of Public Order Act, 1972 culminating in Charge-Sheet No.28 of 2023 dated 15.02.2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984.

And

In the matter of: Md. Nawsad Siddique

....petitioner.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate

Mr. Anirdam Jana

Mr. Samim Ahammed

Md. Nazimuddin Siddiqui

Mr. Arnab Sinha

Mr. Bikram Banerjee

Ms. Saloni Bhattacharjee

Ms. Sayanti Sengupta

Md. Jamir Hossain

Mr. Arka Ranjan Bhattacharjee

Ms. Gulsanwara Pervin

Mr. Amartya Basu

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Rudradipta Nandy, Ld. APP

Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for bail.

Petitioner is sought to be proceeded against in Hare Street Police Station Case No.17 of 2023.

At this stage, State is unable to demonstrate that the petitioner indulged in inciting the crowd to assault the police or to indulge in destruction of public property.

Petitioner is in custody for 40 days.

Police filed charge sheet.

Considering the period of detention of the petitioner and the materials in the case diary and his complicity in the incident, we grant bail to the petitioner.

Accordingly, the petitioner 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 Chief Metropolitan Magistrate, Calcutta, subject to the condition that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (DB) 715 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 716 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Market** P.S. Case No.12 of 2023 dated 21/01/2023 under Sections **143/147/148/149/152/332/333/353/307/427** of the Indian Penal Code, 1860 read with Sections **3/4** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9** of the West Bengal Maintenance of Public Order Act, 1972.

And

In the matter of: Md. Nawsad Siddique

....petitioner.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate
 Mr. Anirdam Jana
 Mr. Samim Ahammed
 Md. Nazimuddin Siddiqui
 Mr. Arnab Sinha
 Mr. Bikram Banerjee
 Ms. Saloni Bhattacharjee
 Ms. Sayanti Sengupta
 Md. Jamir Hossain
 Mr. Arka Ranjan Bhattacharjee
 Ms. Gulsanwara Pervin
 Mr. Amartya Basu

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
 Mr. Rudradipta Nandy, Ld. APP
 Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for bail.

The materials in the case diary, at this stage do not suggest requirement of further detention of the petitioner.

State is unable to draw our attention to any material in the case diary to suggest that the petitioner assaulted any police personnel or undertook any destruction of public property.

The investigations are yet to be concluded.

The petitioner is in custody in excess of 15 days.

In such circumstances, we grant bail to the petitioner.

Accordingly, the petitioner 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 Chief Metropolitan Magistrate, Calcutta, subject to the condition that during bail the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (DB) 716 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 723 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kolkata Leather Complex** P.S. Case No. **12 of 2023** dated **21/01/2023** under Sections **147/148/149/323/324/326/427/436/504/506/509/307** of the Indian Penal Code, 1860.

And

In the matter of: Md. Nawsad Siddique

....petitioner.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate
 Mr. Anirdam Jana
 Mr. Samim Ahammed
 Md. Nazimuddin Siddiqui
 Mr. Arnab Sinha
 Mr. Bikram Banerjee
 Ms. Saloni Bhattacharjee
 Ms. Sayanti Sengupta
 Md. Jamir Hossain
 Mr. Arka Ranjan Bhattacharjee
 Ms. Gulsanwara Pervin
 Mr. Amartya Basu

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
 Mr. Rudradipta Nandy, Ld. APP
 Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for bail.

The materials in the case diary, at this stage do not suggest requirement of further detention of the petitioner.

At this stage, State is unable to draw our attention to any material in the case diary to suggest that the petitioner assaulted any police personnel.

The investigations are yet to be concluded.

The petitioner is still in custody.

In such circumstances, we grant bail to the petitioner.

Accordingly, the petitioner 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, Baruipur, subject to the condition that during bail the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (DB) 723 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 727 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kolkata Leather Complex** P.S. Case No. **13 of 2023** dated **21/01/2023** under Sections **147/148/149/332/336/337/353/427/436/504/506** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984.

And

In the matter of: Md. Nawsad Siddique

....petitioner.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate
 Mr. Anirdam Jana
 Mr. Samim Ahammed
 Md. Nazimuddin Siddiqui
 Mr. Arnab Sinha
 Mr. Bikram Banerjee
 Ms. Saloni Bhattacharjee
 Ms. Sayanti Sengupta
 Md. Jamir Hossain
 Mr. Arka Ranjan Bhattacharjee
 Ms. Gulsanwara Pervin
 Mr. Amartya Basu

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for bail.

The materials in the case diary, at this stage do not suggest involvement of the petitioner in the offences alleged.

State is unable to draw our attention to any material in the case diary to suggest that the petitioner assaulted any police personnel or undertook any destruction of public property.

The investigations are yet to be concluded.

The petitioner is in custody for 21 days.

In such circumstances, we grant bail to the petitioner.

Accordingly, the petitioner 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, Baruipur, subject to the condition that during bail the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (DB) 727 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 747 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Market** P.S. Case No.**12 of 2023** dated **21/01/2023** having G.R. Case No.70 of 2023 under Sections **143/147/148/149/152/332/333/353/307/427** of the Indian Penal Code, 1860 read with Sections **3/4** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9** of the West Bengal Maintenance of Public Order Act, 1972.
And

In the matter of: Nasiruddin Mir & Ors.

....petitioners.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate
Mr. Samim Ahammed
Mr. Avik Saha
Md. Nazimuddin Siddiqui
Mr. Bikram Banerjee
Ms. Saloni Bhattacharjee
Mr. Arka Ranjan Bhattacharjee
Ms. Gulsanwara Pervin
Ms. Ambiya Khatoon
Mr. Amartya Basu

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Mr. Ranadeb Sengupta

...for the State.

Petitioners pray for bail.

The petitioners are in custody for 40 days.

The materials in the case diary at this stage do not suggest involvement of the petitioners in the allegations levelled against them.

However, the investigations are yet to be concluded.

Considering the period of detention of the petitioners and the materials in the case diary implicating the petitioners in the incident, we grant bail to the petitioners.

Accordingly, the petitioners 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 Metropolitan Magistrate, Calcutta, subject to the condition that during bail the petitioners shall meet the Investigating Officer as and when called for till the conclusion of the investigation and that during bail the petitioners shall appear before the learned trial court on every date of hearing and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioners is allowed.

The application for bail being **C.R.M. (DB) 747 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 753 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hare Street** P.S. Case No.**17 of 2023** dated **21/01/2023** having G.R. Case No.71 of 2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9** of the West Bengal Maintenance of Public Order Act, 1972 culminating in Charge-Sheet No.28 of 2023 dated 15.02.2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property At, 1984.

And

In the matter of: Ohidul Islam & Ors.

....petitioners.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate
Mr. Samim Ahammed
Mr. Avik Saha

Md. Nazimuddin Siddiqui
 Mr. Bikram Banerjee
 Ms. Saloni Bhattacharjee
 Mr. Arka Ranjan Bhattacharjee
 Ms. Gulsanwara Pervin
 Ms. Ambiya Khatoon
 Mr. Amartya Basu

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
 Mr. Rudradipta Nandy, Ld. APP
 Mr. Ranadeb Sengupta

...for the State.

Petitioners pray for bail.

There are materials in the case diary suggesting involvement of the petitioner no.4, namely, Sk. Md. Iqbal, in the incident of damage in public property.

Given the nature of the incident and the involvement of the petitioner no.4 therein, we are unable to grant bail to the petitioner no.4, namely, Sk. Md. Iqbal, at this stage.

Accordingly, the prayer for bail of the petitioner no.4, namely, Sk. Md. Iqbal, is rejected.

So far as the petitioner nos.1,2,3 and 5, namely, Ohidul Islam, Md. Sariful Mallick, Khatif Molla and Ramij Hossain @ Md. Ramiz Hossain, are concerned, we do not find any materials in the case diary requiring their further detention.

The petitioners are already in custody for a reasonable period of time.

The police filed charge sheet.

In such circumstances, we grant bail to the petitioner nos.1,2,3 and 5, namely, Ohidul Islam, Md. Sariful Mallick, Khatif Molla and Ramij Hossain @ Md. Ramiz Hossain.

Accordingly, the petitioner nos.1,2,3 and 5 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 Metropolitan Magistrate, Calcutta, subject to the condition that during bail the petitioner nos.1,2,3 and 5 shall appear before the learned trial court on every date of hearing and that the petitioner nos.1,2,3 and 5 shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner nos.1,2,3 and 5 fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner nos.1,2,3 and 5, namely, Ohidul Islam, Md. Sariful Mallick, Khatif Molla and Ramij Hossain @ Md. Ramiz Hossain, is allowed.

The application for bail being **C.R.M. (DB) 753 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 754 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hare Street** P.S. Case No.17 of 2023 dated **21/01/2023** having G.R. Case No.71 of 2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9** of the West Bengal Maintenance of Public Order Act, 1972 culminating in Charge-Sheet No.28 of 2023 dated 15.02.2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984.

And

In the matter of: Udyam Das @ Udyan Das & Ors.

....petitioners.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate

Mr. Samim Ahammed
 Mr. Avik Saha
 Md. Nazimuddin Siddiqui
 Mr. Bikram Banerjee
 Ms. Saloni Bhattacharjee
 Mr. Arka Ranjan Bhattacharjee
 Ms. Gulsanwara Pervin
 Ms. Ambiya Khatoon
 Mr. Amartya Basu

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
 Mr. Rudradipta Nandy, Ld. APP
 Mr. Ranadeb Sengupta

...for the State.

Petitioners pray for bail.

The police filed charge sheet.

The materials in the case diary do not suggest requirement of further detention of the petitioners.

Considering the gravity of the offence and the involvement of the petitioners appearing from the case diary and considering the fact that the petitioners are in custody for a considerable period of time, we grant bail to the petitioners.

Accordingly, the petitioners 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 Metropolitan Magistrate, Calcutta, subject to the condition that during bail the petitioners shall appear before the learned trial court on every date of hearing and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the

bail without any further reference to this Court.

The prayer for bail of the petitioners is allowed.

The application for bail being **C.R.M. (DB) 754 of 2023** is, thus, disposed of.

In Re.: C.R.M. (DB) 755 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hare Street** P.S. Case No. **17 of 2023** dated **21/01/2023** having G.R. Case No. 71 of 2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9** of the West Bengal Maintenance of Public Order Act, 1972 culminating in Charge-Sheet No. 28 of 2023 dated 15.02.2023 under Sections **143/147/149/152/332/333/283/307/427** of the Indian Penal Code, 1860 read with Section **3** of the Prevention of Damage to Public Property Act, 1984.

And

In the matter of: Sk. Md Kalimullah @ Md. Kalimullah & Ors.
....petitioners.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Advocate
Mr. Samim Ahammed
Mr. Avik Saha
Md. Nazimuddin Siddiqui
Mr. Bikram Banerjee
Ms. Saloni Bhattacharjee
Mr. Arka Ranjan Bhattacharjee
Ms. Gulsanwara Pervin
Ms. Ambiya Khatoon
Mr. Amartya Basu

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Mr. Ranadeb Sengupta

...for the State.

Petitioners pray for bail.

The police filed charge sheet.

We do not find any materials in the case diary at this stage warranting further detention of the petitioners.

All the petitioners are in detention for a considerable period of time.

In such circumstances, we grant bail to the petitioners.

Accordingly, the petitioners 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 Metropolitan Magistrate, Calcutta, subject to the condition that during bail the petitioners shall appear before the learned trial court on every date of hearing and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioners is allowed.

The application for bail being **C.R.M. (DB) 755 of 2023** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)