

19.06.2023

Sl. 49

Court No. 29

sdas

(Allowed)

C.R.M. (DB) 2305 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Berhampore Police Station Case No. 1090 of 2022 dated 23.08.2022 under Sections 448/376/506/34 of the Indian Penal Code.

And

In the matter of: **Enayet Hossain**

....petitioner.

Mr. Subhajit Chowdhury

...for the petitioner.

Mr. S. S. Imam

Mr. S. Kundu

...for the State

1. Heard learned Counsel for the parties.
2. Considered the materials placed by the learned Counsel for the parties including the statement of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure respectively.
3. From the materials on record we find the prima facie case is against the petitioner but the petitioner being deep rooted in the society there is no chance of abscondence. Charge-sheet has already been filed.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, completion of investigation in the meantime, it is directed that the petitioner shall be released on bail by the learned Chief Judicial Magistrate, Berhampore, Murshidabad, in G.R. Case arising out of Berhampore Police Station Case No. 1090 of 2022 dated 23.08.2022 on such terms and conditions as deemed just and proper in the facts and circumstances of the

case including the following conditions : i) the petitioner shall not threat or induce any witnesses of this case including the victim in any manner whatsoever; ii) both the parties shall take steps legally in the cases pending against each other and shall not take the law into their hands; iii) the petitioner shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 of the Code of Criminal Procedure.

5. Accordingly, the prayer for bail is allowed.
6. The application being **CRM (DB) 2305 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

