

19.07.2023

Sl. No.16

akd

[PARTLY
ALLOWED]

C. R. M. (DB) 2481 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.06.2023 in connection with Nabagram Police Station Case No. 35 of 2023 dated 06.02.2023 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

And

In Re: ***Asif Hossain & Ors.***

... .. Petitioners

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Soma Mal

... .. for the petitioners

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

Heard the learned Advocates appearing for both the parties.

Parties have examined the video footage collected in course of investigation. Video footage is unclear with regard to the identity of the assailants.

Under such circumstances, learned Advocate for the State relies on the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure.

Statements of witnesses consistently refer to petitioner nos.1, 2 & 3 as the miscreants who were present at the spot. Name of the petitioner no.4 has been taken by only one witness and not corroborated by others. Under such circumstances, we are of the opinion further detention of the petitioner no.4 is not necessary.

Therefore, the petitioner no.4 namely ***(4) Hasidur Rahaman Mandal @ Hasidur Rahaman***, 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, Lalbagh, Murshidabad subject to condition that the said petitioner no.4 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.

In view of the role played by petitioner nos.1, 2 & 3 in the crime, we are not inclined to grant bail to petitioner nos.1, 2 & 3 namely, **(1) Asif Hossain, (2) Firoj Sk. & (3) Selim Molla @ Selim Sk. @ Kalu @ Kolla** at this stage.

The application for bail is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)