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C.R.M. (SB) 136 of 2023

In Re: An application under Section 439 of the Code of Criminal Procedure filed in connection with Nakashipara Police Station Case No.126 of 2023 dated 21.02.2023 under Sections 195A/34 of the Indian Penal Code;

Ibrahim Shaikh @ Sekh @ Sk
Versus
The State of West Bengal

Mr. Angshuman Chakraborty

Mr. Amanul Islam

Mr. Sourav Mukherjee.

...for the petitioner.

Mr. Iqbal Kabir.

...for the State.

Mr. Sumanta Das.

...for the de facto complainant.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 59 days. He has already been granted bail in connection with Nakashipara Police Station Case No.221 of 2022 dated 29.03.2022 and subsequently he has been arrested in connection with this case for allegations falling within the ambit of Sections 195A/34 of the Indian Penal Code.

Learned advocate for the State Mr. Kabir submits that the charge-sheet is ready but would be filed on 14th July, 2023.

Since the petitioner is already on bail in connection with Nakashipara Police Station Case No.221 of 2022, I am inclined to release the petitioner on bail. Needless to state that while the petitioner was allowed to be released on bail, the Division Bench of this Court categorically observed that the petitioner shall not intimidate witnesses or tamper with evidence in any manner

whatsoever. In spite of the same, a serious allegation has been raised against the petitioner. The allegations are serious, but, however, having regard to the period of detention, the petitioner, namely, Ibrahim Shaikh @ Sekh @ Sk, shall be released on bail upon furnishing 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 Judicial Magistrate, Nadia. In this case, so far as the local surety is concerned, the concerned surety would furnish title deed of a property within the jurisdiction of the learned CJM, Nadia. Learned CJM, Nadia would in case there are further allegations proceed to the steps required for cancellation of bail particularly with respect to the confiscation of the property concerned.

The petitioner shall stay outside the jurisdiction of Nakashipara Police Station and will enter the said jurisdiction as and when called for by the Investigating Officer or the Inspector-in-Charge of Nakashipara Police Station. The petitioner shall be physically present in both the cases when the cases are taken up by the respective trial courts.

Accordingly, CRM (SB) 136 of 2023 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)