

18.08.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 3250 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Goalpokher Police Station Case No.75 of 2023 dated 18.02.2023 under Sections 147/148/149/326/307/302/506/34 of the Indian Penal Code read with Sections 25(1A)/27/35 of the Arms Act. (G.R. Case No.394 of 2023)

And

In Re: ***Saha Alam & Anr.***

... .. Petitioners

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Saryati Datta
Mr. Diptangshu Basu
Mr. Obaidullah Noar

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 181 days. It is further submitted they are not the principal accused. Co-accused similarly circumstanced with the petitioners have been enlarged on bail. Investigation is complete. Accordingly, they pray for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Petitioners are not the principal accused. Co-accused viz. Sahadat Reza @ Shahadat Raja, Sardar Ahmed @ Sardar Alam & Sakken Mustak have been enlarged on bail. Petitioners stand on the same footing with the said co-accused. There is no possibility of their abscondence. Investigation is complete. Under such circumstances, we are inclined to extend the same privilege to the petitioners also.
4. Therefore, the petitioners, namely **(1) Saha Alam & (2) Nur Alam**, 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 Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur subject to condition that the said petitioners 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.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)