

10.10.2023
Sl. No.64
akd
[ALLOWED]

C. R. M. (DB) 3921 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.10.2023 in connection with Saktipur Police Station Case No.24 of 2023 dated 20.02.2023 under Sections 394/397/395/412 of the Indian Penal Code. (G.R. Case No.735 of 2023)

And

In Re: ***Mahibul Sk. @ Mohibul Sk. & Anr.***

... .. Petitioners

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioners

Mr. Arijit Ganguly
Mr. Arabinda Manna

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 245 days. Co-accused similarly circumstanced with the petitioners have been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Co-accused similarly circumstanced with the petitioners have been enlarged on bail. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Mahibul Sk. @ Mohibul Sk. & (2) Kuddus Sk.***, 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 Judicial Magistrate, Murshidabad at Berhampore

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.)