

16
26.10.2023
Crt. No.08
KB/pg.
**(Partly
Allowed)**

CRM (DB) 4199 of 2023

In Re:- An application for bail under Section 439 of The Code of Criminal Procedure filed on 19.10.2023 in connection with Kaliganj P.S. Case No.127 of 2023 dated 06.03.2023 under Sections 157/148/149/326/307/353/333 of the Indian Penal Code, 1860 read with Sections 4/5/6 of the E.S. Act and Section 9 of the MPO Act and Section 4 of the PDPP Act.

In the matter of : Jakir Sk. & Anr. ... Petitioners

Mr. Mukunda Lal Sarkar

...For the Petitioners

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... For the State

1. Considering the fact that the petitioner no.1 has been named in the 164 statement by an independent witness as part of a mob which committed the offence of looting and setting fire of two properties, we are not inclined to grant the prayer for bail in respect of the petitioner no.1.

2. The prayer for bail of the petitioner no.2, however, is allowed since we do not find the petitioner no.2 being named in the 164 statement.

3. We accordingly direct that the petitioner no.2, namely, Hamida Bibi shall 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 who must be local, to the satisfaction of the learned Chief

Judicial Magistrate, Krishnagar, Nadia. The petitioner no.2 shall not induce witnesses or influence them or tamper with the evidence. The petitioner no.2 shall report to the I.O. of the concerned Police Station once every fortnight and shall not leave the local limits of the local police station without leave of the learned Chief Judicial Magistrate, Krishnagar, Nadia. The petitioner no.2 shall also make herself available for the trial as and when the petitioner no.2 is required.

4. CRM (DB) 4199 of 2023 is accordingly allowed in respect of the petitioner no.2 Hamida Bibi and is rejected in respect of the petitioner no.1, namely, Jakir Sk. for the above reasons.

5. All parties are to act in terms of a server copy of this order duly downloaded from the official website of this Court.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.) (Moushumi Bhattacharya, J.)