

02.05.2023
KC (19)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 187 of 2023

In the Matter of : Raushan Ali Ahammed @ Rousan Ali
Ahammed
.... petitioner.

Mr. Sudip Guha.....For the petitioner.

Mr. Nilay Chakraborty,
Mr. Aniruddha Biswas.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 332 of 2022 dated 14th July, 2022 under Sections 341/323/302/354/506/34 of the Indian Penal Code corresponding to G.R. Case No. 378 of 2022 pending before the court of learned Additional Chief Judicial Magistrate, Dinhata.

The petitioner is charged inter alia under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submitted that his client has surrendered before the learned court below on 28th October, 2022.

Charge-sheet was filed on 21st January, 2023.

Out of 5 co-accused one is enlarged on bail.

Learned counsel for the State submits that 3 co-accused are absconding and that the petitioner is not on the same footing as the co-accused who has been enlarged on bail.

The accused and the victim happen to be neighbouring families. The alleged murder occurred out of an altercation during the Eid festival.

We find that investigation is long over.

There is nothing on record that the petitioner, if released on bail, would interfere with witnesses, tamper with evidence or flee from justice.

But on the basis of submissions made by learned counsel for the State, we are making the conditions for grant of bail very stringent. We allow this application on the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 30,000/- (Thirty Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata on the following conditions:

1. The petitioner shall deposit his passport, if he has one, with the investigating officer,
2. He shall report before the said officer twice a week,

3. The petitioner shall not leave the limits of the district Cooch Behar without informing and without the permission of the I.C.,
4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 187 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

