

03.07.2023
Item no.12
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 270 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No.821 of 2021 Dated 17.8.2021 under Sections 143/341/326/307/302/34 of the Indian Penal Code

And

**In the matter of : Maksedul Rahaman @ Haque @ Moksedul
Rahaman @ Mokchhedul Haque
.....Petitioners.**

Mr. Arjun Chowdhury,
Mr. P. Dutta Chowdhury,
Ms. Riya Agarwalfor the Petitioners.

Mr. A. S. Chakraborty, ld. APP,
Mr. Kallol Nagfor the State.

Heard learned Advocate for the petitioners and the learned Advocate for the State at length.

At the very outset, learned Advocate for the petitioners submits before this Court that though a similar application on behalf of the petitioner no.1 was rejected by a Coordinate Bench of this Court, yet in a changed circumstances he is renewing the prayer for bail of the petitioner no.1.

It is, however, submitted that so far as the petitioner no.2 is concerned, prayer for bail is being made for the first time. In support of the bail application, it is contended by the petitioners that from the evidence of the prosecution witnesses

as recorded so far, the name of the present two petitioners are not found prominent and on the contrary, the prosecution witnesses especially the defacto complainant have named some other persons, who are the actual assailants.

Considering the aforementioned changed circumstances, learned Advocate for the petitioners prays for a favourable order.

The prayer is, however, opposed on behalf of the State contending that the role of the present two petitioners are found to be prominent from the materials collected in course of investigation.

On a perusal of the materials on record including the depositions of the prosecution witnesses as have been annexed to the bail application, we find that this is a fit case for allowing the petitioners' prayer for bail. Accordingly, the prayer for bail of the petitioners is allowed.

Accordingly, we direct that the petitioners, namely Maksudul Rahaman @ Haque @ Maksudul Rahaman @ Mokchhedul Haque and Kuddus Ali @ Rocky @ Roky shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Coochbehar, and on further conditions that they shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)