

14. 06.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 366 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Dinhata Police Station Case No. 227 of 2023** dated **09.05.2023** under Section **25 (1-A)** of the Arms Act.

And

In the matter of: - **Abual Ajad**

...petitioner.

Mr. Sudip Guha, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Subhasish Misra, Adv.

...for the State.

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

At the very outset, learned Advocate for the petitioner draws our attention to photocopies of certain documents as well as the seizure list which is available in the case diary. It is contended that out of political rivalry the present accused/petitioner has been falsely implicated and one Runa Layla, being the petitioner's daughter-in-law, was forced to sign as a witness and she was also beaten up by the Police Officers on that very day.

While opposing the prayer for bail, learned Advocate for the State contends that several incriminating articles, mainly firearm, were seized from the possession of the present accused/petitioner and for proper investigation of the case, custodial interrogation of the accused/petitioner is absolutely necessary.

On perusal of the entire material placed before us and after giving due consideration to the submissions of learned Advocates for the contending parties, we are of the view that further custodial interrogation of the present accused/petitioner is no more necessary. Accordingly, we are inclined to allow the prayer for bail on some stringent conditions.

Accordingly, we direct that the accused/petitioner, namely, **Abual Ajad**, shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs.10,000/- each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar, on condition that the present accused/petitioner shall meet the Investigating Officer twice daily till submission in Final Form. It is further ordered that if the present accused/petitioner fails to obey the condition as imposed by us as well as the condition as enumerated in Section 438(2) of the Code of Criminal Procedure, 1973, the learned trial Court is at liberty to issue non-bailable Warrant of Arrest against the accused/petitioner for taking him into custody.

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

The application for bail being CRM (DB) 366 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)