

06.12.2023
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allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM(DB) No. 672 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 490 of 2023 dated 30.09.2023 under Sections 420/406/307/34 of the Indian Penal Code and adding Section 411 of the Indian Penal Code.

And

In Re : Safijul Rahaman @ Md. Safijul @ Md. Alam @ Mama & Anr. petitioners

Mr. Sudip Guha

.....for the petitioners

Mr. Nilay Chakraborty
Mr. Sourav Ganguly

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for 66 days. It is also submitted they did not receive the money from the complainant. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners and co-accused hatched conspiracy and induced the complainant to part with a sum of Rs.19,50,000/- on the false promise of supplying of JCB. Subsequently de facto complainant was abducted and physically assaulted.

3. We have considered the materials on record. Petitioners are in custody for 66 days. Keeping in mind the nature of accusation and there is no chance of abscondence we are of the opinion further detention for progress of investigation is not necessary and petitioners may be enlarged on bail.

4. Accordingly, we direct that the petitioners 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 Chief Judicial Magistrate, Jalpaiguri, subject to conditions that they 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 in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)