

13.02.2024
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allowed

CRM (DB) No. 233 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 358 of 2011 dated 15.11.2011 under Sections 489B/489C/34 of the Indian Penal Code.

And

In Re : Raju Sekh @ Sk. @ Rajjak Sk. @ Rejjack Sk. petitioner

Md. Wasim Akram

....for the petitioner

Mr. Prasun Kumar Dutta, learned APP

Ms. Manasi Roy

.... for the State

1. Learned Counsel for the petitioner submits he is Raju Sekh, son of Yeakub Al resides at Maniknagar. He has been falsely implicated as Rajjak Sk. son of Yakub Ali residing at Hobinagar. In view of the aforesaid submission Investigating Officer was directed to submit report whether petitioner is Rajjak Sk., son of Yakub Ali of Hobinagar Police Station.

2. Report is submitted on behalf of the Investigating Agency. In the report reliance has been placed on the statement of the Panchayet Gram Prodhan of Bhakri Gram Panchayet, PS Chanchal, Malda. The Panchayet Pradhan merely stated that the petitioner is residing at Maniknagar under Bhakri Gram Panchayet, PS Chanchal, Malda. Apart from that there is no independent material to show that the petitioner was also known as Rajjak Sk. and used to reside at Hobinagar.

3. In view of lack of independent materials with regard to identity of the petitioner as Rajjak Sk. of Hobinagar we hold

there is doubt with regard to his identity as an accused in the case. This may have been the reason for his non-appearance in the criminal proceeding for about a decade. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be released on bail.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to conditions that petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)