

29.02.2024
Sl. No.87
akd
[ALLOWED]

C. R. M. (DB) 590 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.02.2024 in connection with Goghat Police Station Case No.398 of 2023 dated 11.11.2023 under Sections 341/392/325/307/34/302 of the Indian Penal Code. (G.R. Case No.1744 of 2023)

And

In Re: **Sk. Mafizul Rahaman**

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Laboni Sikder

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mrs. Manasi Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 90 days. It is further submitted petitioner was an informant and had been falsely transposed as an accused to screen the real offender. No incriminating materials have been divulged to implicate him in the crime. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner and his uncle were travelling together with a large sum of money. Petitioner got himself admitted with his uncle in a hospital alleging a road traffic accident. No external injuries were found on the petitioner but his uncle was severely wounded and subsequently died. In the meantime, petitioner filed FIR alleging dacoity. Weapon of offence had been recovered on the leading statement of the petitioner.
3. We have considered the materials on record. Prosecution case is that petitioner and his uncle were travelling with a large sum of

money. He assaulted his uncle and misappropriated the money. He admitted himself and his uncle to a hospital. It is alleged he made a false statement regarding road traffic accident at the time of admission. Subsequently his complicity in the crime transpired.

4. We have examined the prosecution case in the light of the materials collected during investigation. It is true admission papers pertaining to the uncle record a road traffic accident but the treatment sheet of the petitioner clearly mentions they were assaulted by robbers. It cannot be said petitioner had taken a pre-varicating stance in the case. Other materials collected during investigation including the alleged weapon of offence are not conclusive with regard to the complicity of the petitioner. No forensic report with regard to presence of blood on the iron rod is placed before us.
5. In view of the aforesaid and as there is no chance of abscondence of the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
6. Therefore, the accused/petitioner, namely **Sk. Mafizul Rahaman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
7. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)