

11.03.2024
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allowed

CRM(DB) No. 773 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 788 of 2023 dated 25.10.2023 under Sections 448/326/307/34 of the Indian Penal Code.

And

In Re : Kuddus Molla @ Tagar petitioner

Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. Juel Rana

....for the petitioner

Mr. Avishek Sinha

.... for the State

1. Learned Counsel for the petitioner submits FIR was registered against unknown persons. Out of suspicion petitioner has been falsely implicated. He is in custody for 114 days. Accordingly he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Victim suffered grievous injury but there is no direct evidence that the petitioner had assaulted him. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Nadia at

Krishnagar 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)