

09.05.2024.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1313 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chinsurah P.S. Case No.388 of 2022 dated 01.08.2022 under Sections 306/419/420/465/468/471/384/120B of the Indian Penal Code and Sections 66D/66E/67/67A of the I. T. Act, 2008.

In the matter of : **Habib Khan @ Habban.**

.... Petitioner.

Md. Nauroz Rahber,
Mr. Amit Ranjan Pati,
Muhammad Jawwad,
Ms. Swastika Chowdhury.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Sujoy Sarkar.

...for the State.

1. Petitioner is in custody for 146 days. He submits co-accused including one Sumit Divakar from whom ransom money was recovered has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner and Bura Khan collected fake SIM cards and made ransom demand from victim.
3. We have considered the materials on record. Co-accused including Sumit Divakar have been enlarged on bail. There is little possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment.
4. Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.
5. Accordingly, the petitioner viz., **Habib Khan @ Habban** 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, Chinsurah, Hooghly subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the district of Hooghly and shall provide the address where he shall reside to the Investigating Officer as well as the jurisdictional court and meet the Officer-in-charge, Chinsurah Police Station within whose jurisdiction he shall reside once in a week until further orders.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)