

20.
Court
No.28

10.06.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1520 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with Sessions Case No. 169 of 2023 arising out of **Chanchal Police Station Case No.487 of 2022** dated **14.05.2022** under Sections **341/323/325/302/506/34** of the Indian Penal Code.

And

In the matter of: - **Alepnur & Anr.**

Mr. Sompal Chatterjee, Adv.,
Mr. Anupam Das, Adv.

...petitioners.

...for the petitioners.

Ms. Minoti Gomes, Adv.,
Ms. Rafat Jahan, Adv.

...for the State.

The petitioners say that this is their first application for bail. Out of eight accused persons, five persons have been granted bail by this Court. The petitioners say that they stand on the same footing as the petitioners in CRM (DB) 1311 of 2024, wherein by an order dated April 25, 2024, five of the accused persons were enlarged on bail. On the ground of parity they pray for bail.

Learned Advocate for the State opposes the prayer for bail. She says that eleven out twenty two witnesses have been examined. There are sufficient incriminating material against the petitioners. The petitioners’ prayer for bail should not be allowed.

We find from the material on record that vital witnesses including the *de facto* complainant have turned hostile. The petitioners are in custody for ninety days. Other accused persons similarly circumstanced have been enlarged on bail by this Court. There is little possibility of an early conclusion of the trial.

On an overall assessment of the aforesaid factors, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioners, namely, **1. Alepnur, 2. Jahangir** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Chanchal, Malda, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall remain within the jurisdiction of the Trial Court until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1520 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)