

142. 24.05.2024
Court
No.6 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1517 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Kandi Police Station Case No. 746 of 2023** dated **20.12.2023** under Sections **341/325/326/307/34** of the Indian Penal Code.

And

In the matter of: - **Lalchand Sk.**

...petitioner.

Ms. Minoti Gomes, Adv.,
Mr. J.I. Hossain, Adv.

...for the petitioner.

Ms. Sonali Das, Adv.,
Ms. Rajashree Tah, Adv.

...for the State.

The allegation is of causing grievous bodily harm and attempted murder.

The petitioner says that he has been falsely implicated in this case. On his complaint, a criminal case has been initiated against the victim of this case being one Selim Sk. This is only a counterblast. He is in custody for more than five months. Investigation is complete. Charge-sheet has been submitted. There is no reason why he should be further detained in custody.

Learned Counsel for the State strongly opposes the prayer for bail and produces the case diary. We have gone through the material in the case diary including the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973. None of such statements name the present

petitioner. Selim Sk., of course in his statement recorded under Section 164 of the Code of Criminal Procedure, 1973, names this petitioner.

On an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged incident, we are of the view that the possibility of the present complaint being lodged as a counterblast by the brother of Selim Sk. cannot be ruled out. Further, investigation is complete and charge-sheet has been filed. No useful purpose will be served by continuing to detain the petitioner in custody.

Accordingly, we direct that the petitioner, namely, **Lalchand Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, subject to condition that the petitioner 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 petitioner shall remain within the jurisdiction of the Trial Court until further orders.

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

The application for bail being CRM (DB) 1517 of 2024 is accordingly allowed and 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.)

(Prasenjit Biswas, J.)