

08.07.2024
Item no. 97.
Court No.28.
AB
(Partly Allowed)

CRM (DB) 1627 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Chakulia Police Station Case No.178 of 2023 Dated 9.7.2023 under Sections 143/324 325/326/307/302/149/171F of the Indian Penal Code read with Sections 132/135/135A of the Representatives of People's Act

And

In the matter of : Osama @ Nasar & Ors.

.....Petitioners.

Mr. Sekhar Kr. Basu, Sr. Adv,
Mr. Diptangshu Basu,
Ms. Suchismita Dutta
Ms. Pranidhi Singhfor the Petitioners.

Mr. Rudradipta Nandy, Id. APP
Mr. Shiladitya Banerjeefor the State.

Mr. Shibaji Kr. Das,
Mr. Muhammad Jawwad
....for the Defacto complainant.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Senior Counsel for the petitioners has submitted that the petitioner nos.2 and 3 are standing on the same footing with the accused persons, who were granted bail by a Coordinate Bench of this Court and as they are standing on the same footing, they may be granted bail on any condition.

Learned Senior Counsel has also submitted that the persons, who are accused in the counter case, have already been granted bail by the Jurisdictional Trial Court. As the investigation is complete, the present petitioner nos.2 and 3

along with the petitioner no.1 should be granted bail on any condition.

Learned Advocate appearing for the defacto complainant has raised strong objection. According to him, there is sufficient incriminating material against all the petitioners and as such, their prayer for bail should be rejected.

Learned Counsel appearing for the State has submitted that there is sufficient incriminating material against the petitioner no.1, namely, Osama @ Nasar assigning specific overt role to him. However, he left the matter to the discretion of this Court in respect of the bail prayer made by the petitioner nos.2 and 3.

We have gone through the material in the case diary. We have also taken into consideration the order dated 4.1.2024. It appears that there is certain incriminating material against the petitioner no.1 and as such, we are not inclined to allow his prayer for bail.

The prayer for bail as regards the petitioner no.1, namely, Osama @ Nasar, the same stands rejected.

However, it appears from record that other two petitioners are standing on the same footing with the other accused persons, who were granted bail by a Coordinate Bench.

In view of the above, the prayer for bail of the petitioner nos.2 and 3 is hereby allowed on certain conditions.

Accordingly, we direct that the petitioner nos.2 and 3, namely **Md. Kamrul alias Sk. Kamrul and Mir Md. Sajid alias**

Md. Sajid Alam shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Islampur at Uttar Dinajpur, and on further conditions that they shall not enter the jurisdiction of Chakulia Police Station, except for the purpose of attending Court proceedings, and shall also furnish the address where they will be residing to the Officer-in-charge in whose jurisdiction they will be residing and shall also appear before such Officer-in-charge once in a fortnight until further orders.

The petitioner nos.2 and 3 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner nos.2 and 3 fail to adhere to any of the conditions stipulated above without 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 is partly allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

