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02-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1767 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara Police Station** Case No. **369 of 2024** dated **17.04.2024** under Sections **447/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Kabatulla Mallick

	 Petitioner.
Mr. Sumanta Das,	
	... For the Petitioner.
Mr. Ashok Das,	
	... For the State.

The petitioner is in custody for 76 days. The incident was a fight between two groups. The petitioner has lost his son in the incident. He says that the material on record is insufficient to justify his continued detention in custody. He prays for bail.

Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary. We have considered the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have also seen the injury report.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that since investigation has progressed substantially and the petitioner has been in custody for quite some time, it may not be necessary to detain the petitioner in custody any further so long as he cooperates with the Investigating Officer.

Accordingly, we direct that the petitioner, **Kabatulla Mallick**, 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, Krishnagar, Nadia and on further conditions that he shall not enter the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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. He shall cooperate with the Investigating Officer fully.

In the event the petitioner fails to adhere to any of the conditions stipulated above without 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 is, accordingly, allowed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)