

27.
Court
No.28

05.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1903 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kaliganj Police Station Case No.372 of 2017** dated **08.12.2017** under Sections **147/148/149/307/34** of the Indian Penal Code, 1860, read with Sections **3 & 4** of the Explosive Substances Act.
And

In the matter of: - **Md. Hasanur Sekh @ Hasan Sk.**

Mr. Sumanta Das, Adv.

...petitioner.
...for the petitioner.

Mr. Rana Mukherjee, Adv.,
Ms. Rita Datta, Adv.

...for the State.

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

Learned Counsel for the petitioner submits that he is in custody for about 83 days. Charge-sheet has been submitted upon completion of investigation. The other accused persons have been granted bail by the learned Trial Court. The present accused/petitioner is standing on the same footing as the other accused persons who were granted bail by the learned Trial Court and as such he may be granted bail on any condition as this Court may decide.

Learned Counsel for the State has raised objection against the prayer for bail. According to him, the petitioner had absconded for seven years and after a considerable period of time he was arrested on execution of Warrant of Arrest.

We have seen the material in the case diary wherefrom it appears that charge-sheet has been submitted and other accused persons, similarly circumstanced as the present petitioner, are on bail. It is true that he absconded for a considerable period of time. However, since investigation is complete and charge-sheet has been filed, we are inclined to allow the petitioner's prayer for bail but on stringent conditions:

Accordingly, we direct that the petitioner, namely, **Md. Hasanur Sekh @ Hasan Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two local sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that –

- 1) 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 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 2) The petitioner shall not enter the jurisdiction of Kaliganj Police Station, except for the purpose of attending Court proceedings, and shall also furnish the address where he will be residing to the Officer-in-charge, Kaliganj Police Station immediately after being released on bail and shall also appear before the Officer-in-Charge of the jurisdictional Police station,

where he will be residing, once in every week 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) 1903 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.)