

38.
Court
No.28

19.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1985 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Pukhuria Police Station Case No.63 of 2024** dated **03.02.2024** under Sections **448/326/307/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Rahim Ali**

...petitioner.

Mr. Sujoy Sarkar, Adv.,
Mr. Mushraf Alam, Adv.,
Ms. Sneha Srivastava, Adv.

...for the petitioner.

Mr. Anindya Sundar Chatterjee, Adv.

...for the State.

Leave is granted to learned Advocate-on-Record for the petitioner to correct the cause title of the bail petition.

The allegation is that the petitioner, about seven months after divorce between him and his wife, attacked his wife, the victim, and inflicted grievous bodily harm on her.

The petitioner says that he is in custody for about 168 days. He has been falsely implicated. In any event, investigation is complete and his further custodial detention is unnecessary.

Learned Advocate for the State, while opposing the prayer for bail, draws to our attention the material in the case diary including the medical report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

No doubt, there is some amount of incriminating material against the petitioner. However, since investigation is complete and there is little chance of the petitioner absconding, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Rahim Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda, 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 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
2. The petitioner shall not enter the territorial limits of the district of Malda, excepting for the purpose of attending Court proceedings, till conclusion of trial unless such conditions have been relaxed by the Trial Court.
3. The petitioner shall furnish the address where he will now be residing to the Officer-in-charge of Pukhuria Police Station, Malda, immediately after being released on bail.

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.

In the event the petitioner repeats similar kind of acts, the State will be at liberty to apply for cancellation of the bail.

The application for bail being CRM (DB) 1985 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.)

(Apurba Sinha Ray, J.)