

40.
Court
No.28

19.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1987 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, 1860. Charge-sheet submitted on 24.03.2024 under Sections **341/325/326/307/34** of the Indian Penal Code, 1860.

And

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

Ms. Minoti Gomes, Adv.

Mr. Probhas Bhattacharjee, Adv.,
Ms. Debjani Sahu, Adv.

...petitioner.

...for the petitioner.

...for the State.

The petitioner says that he is in custody for about 195 days. Investigation is complete. He has, in any event, been falsely implicated. The alleged victim took money from him to arrange for a job for him in Saudi Arabia. The victim did nothing. He cheated this petitioner. Hence, there was a fight between them and the victim got hurt. There is a murder case pending against the victim.

Learned Advocate for the State, while opposing the prayer for bail, draws to our attention the material in the case diary including the medical reports. It appears that there are several accused persons. From the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, it appears that this petitioner dealt him a blow with a knife on the

victim's neck. The victim's major injury is in the eye and in the fingers.

Considering the fact that investigation is complete and also considering the alleged role of the petitioner in the alleged offence, we are of the view that no useful purpose will be served by detaining the petitioner in custody any further. Hence, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Tohidul Sk.**, 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, Kandi, Murshidabad, 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 jurisdiction of Kandi Police Station, 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 Kandi Police Station, immediately after being released on bail and shall also meet the Officer-in-charge of the

jurisdictional Police Station, where he will now 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.

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) 1987 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.)