

42.
Court
No.28

26.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2036 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 **Bhadreswar Police Station Case No.248 of 2024** dated **12.06.2024** under Sections **341/326/307/379/34** of the Indian Penal Code, 1860.
And

In the matter of: - **Md. Karimullah & Anr.**

Mr. Bitasok Banerji, Adv.,
Mr. Abdus Salam, Adv.

...petitioners.

...for the petitioners.

Ms. Sayanti Santra, Adv.,
Mr. Debarshi Brahma, Adv.

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioners submits that the petitioner no.1 is a senior citizen. The dispute arose between two neighbours over a construction. However, the petitioners are in custody for about 44 days. The investigation has substantially progressed and there is no need for further custodial detention of the petitioners.
2. Learned Counsel appearing for the State has opposed the bail prayer. According to her, there is sufficient incriminating material against the present petitioners.
3. We have considered the material in the case diary including the injury report. On an assessment of the material in the case diary, we are inclined to enlarge the petitioners on bail.

4. Accordingly, we direct that the petitioners, namely, **1. Md. Karimullah, 2. Md. Amirullah** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly, subject to condition that the petitioners 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.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2036 of 2024 is accordingly disposed of.

7. 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.)