

CRM (DB) 2049 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tapan Police Station** Case No. **114 of 2024** dated **11.03.2024** under Sections **448/436/380/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Chhamad Sarkar @ Samad Miah

.... Petitioner.

Mr. Kaushik Chowdhury,
Mr. B. Khatun,

... For the Petitioner.

Mr. Avishek Sinha,
Ms. Sona Naag,

... For the State.

Order dictated by Arijit Banerjee, J.:

The allegation against the petitioner is under Sections 448/436/380/506/34 of the Indian Penal Code. The petitioner says that he has been falsely implicated. He is in custody for 66 days. Investigation is complete. He should be enlarged on bail.

Learned Advocate for the State has drawn our attention to the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure as also the seizure list.

Prima facie there does not appear to be much incriminating material against the petitioner. Further, investigation is complete. Hence, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Chhamad Sarkar @ Samad Miah**, 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, Dakshin Dinajpur and on further

conditions that he shall not leave the jurisdiction of the concerned Police Station and shall report to the officer-in-charge of the concerned Police Station once in a week 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.

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.)