

53.
Court
No.28

21.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2206 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 **Baishnabnagar** Police Station Case **No.89/2023** dated **07.02.2023** under Sections **341/323/326/307/427/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Obaidur Rahaman**

Mr. Avinaba Patra

Mr. Iqbal Kabir

Mr. Ratul Ghosh

...petitioner.

...for the petitioner.

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner is in custody for about 124 days. Investigation is complete. Learned Counsel also submits that some other accused persons were granted bail by the learned Trial Court. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner and as such, he prays for rejection of the prayer for bail.
3. We have considered the materials on record including the injury reports. Investigation is complete. We find that this is a fit case for granting bail to the petitioner.

4. Accordingly, we direct that the petitioner, namely, **Obaidur Rahaman** 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 Chief Judicial Magistrate at Malda, subject to condition that 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.
5. 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 his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 2206 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.)