

27.
18-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2338 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hemtabad Police Station Case No.12 of 2021 dated 28-01-2021 under Sections 302/34 of the Indian Penal Code and adding Sections 25(i)(a)/27/35 of the Arms Act.

- A n d -

In the matter of : Jainul Ali @ Jainul Haque

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman

... For the Petitioner.

Mr. Suman De,
Mr. Santanu Deb Roy

... For the State.

Dictated by Arijit Banerjee, J.

Report filed by the State be kept with the records.

We find that the principal accused person, i.e., Ranjit Barman, who shot the victim, has been enlarged on bail by an order dated December 01, 2023 in CRM (DB) 4466 of 2023. From the material on record, we *prima facie* do not find any such incriminating material against the present petitioner as would justify his further detention in custody.

The only concern is that since the petitioner was absconding for a period of three years, if granted bail, he may again disappear. However, that can be taken care of by passing appropriate restraint orders.

Hence we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Jainul Ali @ Jainul Haque**, 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 learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the district of Uttar Dinajpur and shall report to the Officer-in-Charge/Inspector-in-Charge of the local police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2338 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)