

02.09.2024
Item no. 80.
Court No.28.
AB
(Allowed)

CRM (DB) 2366 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No.51 of 2024 Dated 7.1.2024 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

In the matter of : Saiful Sk. @ Saiful ShaikhPetitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bosefor the Petitioner.

Mr. Bibhaswan Bhattacharya
Mr. Santanu Talukdarfor the State.

Dictated by Prasenjit Biswas, J.

1. It is submitted by the petitioner that he is innocent and has been falsely implicated with the alleged offence. It is submitted by the learned Counsel appearing for the petitioner that the accused petitioner has/had no connection with the offence committed. Moreover, this accused petitioner is in custody for a considerable period of time and in the meantime, investigation process has been completed by filing charge sheet by the Prosecuting Agency. So, there is no need for further detention of this petitioner behind the bar for the sake of custodial interrogation.
2. Learned Counsel appearing for the State vehemently opposes the prayer for bail. It is submitted that there

are sufficient incriminating material gathered in the case diary which reflects prima facie involvement of this petitioner in the alleged offence.

3. Our attention is drawn to the statements of witnesses recorded under Section 161 as well as under Section 164 Cr.P.C. As per his submission, all these documents suggest about the involvement of this accused petitioner with the alleged offence.
4. We have considered the rival submissions advanced by the parties and the materials gathered in the case diary. It appears that the investigation process has already been completed by filing charge sheet by the Prosecuting Agency. This petitioner is in custody since January 18, 2024 and so we find that there is no need for further detention of this petitioner behind the bar for the sake of custodial interrogation.
5. Accordingly, we direct that the petitioner, namely **Saiful Sk. @ Saiful Shaikh** 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, Murshidabad at Berhampore, 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 fortnight until further orders.

6. 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)