

39.
Court
No.28

18.09.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2413 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 **Chanchal** Police Station Case **No.1678/2023** dated **26.12.2023** under Sections **395/397** of the Indian Penal Code, 1860 read with Sections **25(1)(a)/25(1-B)/35** of the Arms Act.

And
In the matter of: - **Sajajen @ Sk. Sahajan**

Mr. Md. Sarwar Jahan
Mr. Omar Faruk Gazi
Mr. Maidul Islam Kayal

...petitioner.

Ms. Zareen Khan
Mr. Karan Bapuli

...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 nine months. There is no incriminating material against him. He may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail.
3. We have considered the materials on record including the case diary. There are no statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973, implicating the present petitioner. Nothing was recovered from him or there is no evidence showing that the stolen articles were recovered as per his leading statement.
4. Considering the fact that investigation is complete, we allow the petitioner’s prayer for bail on certain conditions.

5. Accordingly, we direct that the petitioner, namely, **Sajjen @ Sk. Sahajan** shall be released on bail upon furnishing a bond of Rs.30,000/- (Rupees Thirty Thousand), with two sureties of Rs.15,000/- (Rupees Fifteen Thousand) each, one of whom must be local, to the satisfaction of the learned Special Court-cum-Additional Chief Judicial Magistrate, Chanchal 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 and on further condition that the petitioner, while on bail, shall meet the Inspector-in-Charge of the concerned jurisdictional Police Station once in a week, until further orders.
6. 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.
7. The application for bail being CRM (DB) 2413 of 2024 is accordingly disposed of.
8. 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)