

11.09.2024
Sr. No. 53
Ct. No. 6.
AB
(Allowed)

C.R.M. (DB) 2581 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 Kaliyaganj Police Station Case No.212 of 2019 Dated 16.9.2019 under Section 143/341/447/326/302/307 of the Indian Penal Code

In the matter of : **Mijanur Rahaman & Anr.**

....Petitioners.

Mr. Ayan Bhattacharya
Ms. Mitul Hajra
Mr. Sharequl Haque For the Petitioners.

Mr. Joydeep Roy
Mr. Sachit Talukdar For the State.

1. Heard learned Advocates for the parties.
2. Petitioners are in custody for more than four years. They submit at the fag end of trial, prosecution made application to examine witnesses. There is no possibility of the trial concluding at an early date. They pray for bail.
3. Learned lawyer for the State opposes the prayer for bail. He submits that the petitioners and their associates assaulted the victims. Two of them died. Trial is in progress and would be completed shortly.
4. We have considered the materials on record. Allegations are very serious and involve murder of two persons. However, petitioners are in custody for more than four years. Trial had progressed considerably. At that stage, on the prayer of the prosecution, 23 new witnesses were

permitted to be examined. Only 2 witnesses have been examined till date.

5. In view of the aforesaid facts, we are of the opinion there is no possibility of the trial concluding at an early date. Hence, we are inclined to enlarge the petitioners on bail.
6. Accordingly, the petitioners, namely, **Mijanur Rahaman and Sohel Rana @ Soyel Rana @ Soyel Raha** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future and on further condition that while on bail, the petitioners shall remain within the jurisdiction of Kaliyaganj Police Station and shall report to the Officer in charge of the said police station once in a week until further orders.
7. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

