

10.09.2024
Sr. No. 35
Ct. No. 6.
AB
(Allowed)

C.R.M. (DB) 2598 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 Shamsherganj Police Station Case No.365 of 2024 Dated 21.06.2024 under Section 286/325/326/307/34 of the Indian Penal Code read with Section 25/27 of the Arms Act and Sections 3 /4 of the E. S. Act

In the matter of : **Mohabbat Sk. @ Mahhabbat Sk. & Ors.**

....Petitioners.

Mr. Ayan Bhattacharya
Mr. Pawan Kumar Gupta,
Mr. Vijay Verma
Mr. Subrata Saha
Ms. Sofia Nesar
Mr. Santanu Sett

...For the Petitioners.

Mr. Sanjay Bardhan
Ms. Poulami Bose

...For the State.

1. Heard learned Advocates for the parties.
2. Petitioners are in custody for 80 days. They are not the principal accused. They pray for bail.
3. Learned lawyer for the State opposes the prayer for bail.
4. We have considered the material on record. Petitioners did not fire at the victim. They are in custody for 80 days. Further detention for progress of investigation is not necessary but their movements require to be restricted in order to instill confidence in the mind of the victim. Hence, we are inclined to grant bail to the petitioners.
5. Accordingly, the petitioners, namely, **Mohabbat Sk. @ Mahhabbat Sk., Rubel Sk. @ Yusuf, Musruddin Sk. @**

Musi @ Musiruddin Sk., Rejaul @ Rajul Sk., Mobarak Sk., Ukil Sk., Modassar Hossain @ Saheb @ Sabab and Lutu Sk. @ Loto Sk. 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 Additional Chief Judicial Magistrate, Jangipur, Murshidabad, 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 conditions that while on bail the petitioners shall not enter the jurisdiction of Shamsherganj Police Station until further orders and shall provide the address where they shall reside to the learned Court below.

6. 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.
7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)