

40. 07.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2606 of 2024

In Re: - An application for bail under 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Khanakul** Police Station Case No. **230/2024** dated **20.5.2024** under Sections **341/448/323/325/326/354B/504/506/34** of the Indian Penal Code, 1860 with added Section **302** of the Indian Penal Code.

And

In the matter of: - **Arabinda Bag & Ors.**

...petitioners.

Mr. Rajdeep Majumder
Mr. M. Mukherjee
Mr. A. Bazaz

...for the petitioners.

Mr. Madhusudan Sur, APP
Ms. Madhumita Basak

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioners submits that the petitioners are in custody for more than four months. Investigation is complete. There is case and counter-case between the concerned parties. There was a political rivalry which caused free fighting between both the sides. As the investigation is complete they may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioners along with others. However, several accused persons are still absconding and, therefore, there is no chance of commencement of the trial immediately.

3. We have considered the materials on record including the case diary. There is case and counter-case between the concerned persons, which arose out of political rivalry. As the investigation is complete and there is no chance of an early conclusion of the trial, we are inclined to allow the petitioners' prayer for bail.
4. Accordingly, we direct that the petitioners, namely, **1. Arabinda Bag, 2. Bhaskar Dolui, 3. Sidam Bhangsi** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly, subject to condition that the petitioners 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 petitioners, while on bail, shall not enter the Municipal Limits of Kolkata without leave of the learned Trial Court.
5. In the event the petitioners fail to adhere to any of the conditions stipulated above 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.
6. The application for bail being CRM (DB) 2606 of 2024 is accordingly disposed of.

7. 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.)