

41.
Court
No.28

07.10.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2612 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 **Harishchandrapur** Police Station Case No. **278/2024** dated **05.4.2024** under Sections **302**of the Indian Penal Code, 1860.

And

In the matter of: - **Md. Nasim**

Ms. Sujata Das

...petitioner.

Ms. Anasuya Sinha, APP

...for the petitioner.

Ms. Manasi Roy

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner is in custody for more than six months. Investigation is complete and as such there is no need for custodial detention of the petitioner.
2. Learned Counsel for the State raises objection against the prayer for bail.
3. We have gone through the materials on record including the case diary. We have also considered the post mortem report along with statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. As the investigation is complete, there is no need of further custodial detention of the petitioner. Hence the prayer for bail is allowed.

4. Accordingly, we direct that the petitioner, namely, **Md. Nasim** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, 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.
5. 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.
6. The application for bail being CRM (DB) 2612 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.)