

12.09.2024
Sl. No.79
akd
[ALLOWED]

C. R. M. (DB) 2621 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 06.08.2024 in connection with Raiganj Police Station Case No.1280 of 2023 dated 04.12.2023 under Sections 302/120B/34 of the Indian Penal Code read with Sections 25(1)(a)/27/35 of the Arms Act. (G.R. Case No.2640 of 2023)

And

In Re: ***Mujamal Hussain @ Mujammil Hoque***

... .. Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Pronay Basak
Mr. Mahammad Rejaul

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Debarshi Brahma

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for about 182 days. It is further submitted petitioner is not the principal accused. He did not fire at the victim. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record including the statements of witnesses. Though presence of the petitioner is noted by witnesses, it appears one Golam Mustafa had fired at the victim resulting in his death. Investigation is complete. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Mujamal Hussain @ Mujammil Hoque***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj subject to condition that the said petitioner 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.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)