

CRM (DB) 2765 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Habra Police Station** Case No. **285 of 2024** dated **06.05.2024** under Sections **341/326/307/34/379/411** of the Indian Penal Code.

- A n d -

In the matter of : Moksedur Rahaman @ Uttu @ Moksudur Rahaman

.... Petitioner.

Mr. Sekhar Basu,
Mr. D. Basu,

... For the Petitioner.

Mr. Arindam Sen,
Mr. Manoranjan Mahato,

... For the State.

Ms. Anita Kaunda,

....for the defacto complainant.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Counsel for the petitioner submits that the petitioner is in custody for about 224 days. Investigation is complete and charge has already been framed. As such there is no need for further custodial detention of the present petitioner. He may be granted bail on any stringent condition.

2. Learned Counsel for the State opposes the bail prayer.

3. Learned Counsel for the defacto complainant submits that if the petitioner is enlarged on bail the defacto complainant and the victim may be attacked again at the instance of the present petitioner.

4. We have considered the materials on record and we find that investigation is complete and charge has been framed against the present petitioner. However, it appears that FSL report is still awaited. Having considered the materials on record, we are inclined to enlarge the petitioner on bail but on stringent condition.

5. Accordingly, we direct that the petitioner, namely, **Moksedur Rahaman @ Uttu @ Moksudur Rahaman**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Barasat subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Habra Police Station and shall provide his current address where he will reside to the officer-in-charge of the Habra police station and shall meet the officer-in-charge of the concerned police station of the area where he will presently reside once in a fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)