

September 13, 2024

5 ARDR

Allowed

CRM(SB) 125 of 2024

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Chakdah** Police Station Case No. 809 of 2024 dated 22/07/2024 under Sections 126(2)/115(2)/76/351(2) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Kalyani Nadia.

And

In Re : Ashim Kumar Saha,

... Petitioner.

Adv. Aniruddha Bhattacharyya,

Adv. Roma Roy,

... For the Petitioner.

Adv. Atif Ahmed Siddiqui,

... For the State.

It is submitted on behalf of the petitioner that the petitioner and the de facto complainant are the family members and there is long standing land dispute between them. The petitioner and his wife were assaulted by the de facto complainant and others and sustained injuries. The complaint intended to be lodged by the petitioner's wife was not taken by the Police Station for which an application under Section 156(3) of the Code of Criminal Procedure was filed by her. As a retaliation the present complaint has been lodged. Charge sheet has been submitted. The petitioner is in custody for 53 days.

Learned counsel for the State produces the case diary and opposes the prayer for bail.

It appears that the petitioner is in custody for 53 days and charge sheet has been submitted.

Long standing land dispute between the parties is not in dispute and a counter-case filed by the petitioner's wife is pending.

Upon consideration the material available in the Case Diary as well as the nature of the offence, this Court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation and he may be granted.

Accordingly, the petitioner, namely, Ashim Kumar Saha, shall be released on bail upon furnishing 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 Additional Chief Judicial Magistrate, Kalyani, Nadia, subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing fixed by the Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court without any justifiable cause, the learned trial Court is at liberty to cancel his bail in accordance with law, without further reference to this Court.

The application for bail, being CRM (SB) 125 of 2024, is, thus, disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)