

24
30-09-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2858 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 **Bagdah Police Station Case No. 658 of 2022** dated **26.08.2022** under Sections **376(2)(c)/376D** of the Indian Penal Code.

- A n d -

In the matter of : Altaf Hossain @ Hussain

.... Petitioner.

Mr. Rajdeep Mazumder,
Mr. S. Bhattacharjee,
Mr. S. Mukherjee,
Mrs. Triparna Roy

... For the Petitioner.

Mrs. Subhashree Patel,
Mrs. Paramita Sahu

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he has been falsely implicated. He is in custody for about two years and one month. There is no substantial progress in the trial. He renews his prayer for bail which was last rejected in December, 2023.

2. Learned State Advocate opposes the prayer for bail. She says that there is incriminating material against the petitioner. The DNA report also implicates him.

3. We have seen the deposition of the victim lady who has already deposed before the learned Trial Court. She exonerates this petitioner. She has been declared hostile by the prosecution.

4. In view of the aforesaid and also keeping in mind the lengthy detention of the petitioner in judicial custody, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Altaf Hossain @ Hussain**, 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 Additional District and Sessions Judge, 2nd Court, Bongaon, North 24 Parganas subject to condition that he shall appear before the trial court on each and 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 leave the concerned police station and shall meet the officer in charge of the concerned Police Station 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.)