

06.11.2024
Sl. No.85
akd
[ALLOWED]

C. R. M. (DB) 3253 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 17.09.2024 in connection with Chapra Police Station Case No.563 of 2024 dated 06.06.2024 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and subsequently charge sheet submitted under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: ***Najim Sk.***

... .. Petitioner

Mr. Sandip Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaustav Das
Mr. Saptashree Pakrashy

... .. for the petitioner

Mr. Rana Mukherjee
Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for about five months. It is further submitted petitioner has been falsely implicated out of suspicion. In the FIR as well as statement of witnesses recorded under Section 164 of the Code of Criminal Procedure it was stated two persons were involved in the murder of the deceased. Bablu Sk., a witness identified one Tubai Ghosh and Ujjal Mondal as the assailants in the Test Identification Parade examination. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. In the FIR it is alleged two unknown persons killed the victim. The complainant suspected involvement of the petitioner in the murder. Bablu Sk., a witness identified Tubai Ghosh and Ujjal Mondal as the assailants during Test Identification Parade examination. Involvement of the petitioner is based on suspicion. There is no direct evidence he was

involved in the murder. Petitioner is in custody for about five months. Investigation is complete. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely **Najim Sk.**, 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, Nadia at Krishnagar 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Chapra Police Station until further orders.

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.)