

CALCUTTA HIGH COURT
Appellate Side

Court
No.8
Sl.34
Ssi/jayanta

C.R.M. (DB) 3579 of 2024

22.10.
2024

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 corresponding to erstwhile Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Sagardighi Police Station Case No.280 of 2024, dated 03.07.2024 under Sections 329(4), 118 (1), 118 (2), 109, 3 (5) of the BNS.

In the matter of:-**Ataur Rahaman @ Ataul Sk..**

Ms. Anindita Majumder
Mr. Tapas Kumar Manna
Mr. Yusuf Ali

...for the petitioner

Mr. Md. Adil Badr
Mr. Md. Yaser A. Ismail

...for the State

This is an application for bail under Section 439 of the Criminal Procedure Code in respect of Sagardighi Police Station Case No. No.280 of 2024 dated 03.07.2024 under Sections 329(4), 118 (1), 118 (2), 109, 3 (5) of the BNS.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is one of the accused in the instant case against whom charge sheet has already been submitted. While his prayer for anticipatory bail was rejected along with some others, several other co-accused were granted anticipatory bail by this Court on 29.07.2024 in CRM (A) 2524 of 2024.

However, soon after the rejection of anticipatory bail, the petitioner surrendered before the learned Court and has been in custody for 61 days.

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

It appears that pursuant to the rejection of anticipatory bail by this Court, the petitioner surrendered and has been in custody for 61 days. A charge sheet has already been submitted.

In view of the same, we are inclined to grant bail to the petitioner.

Let the petitioner 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 ACJM, Jangipur subject to the conditions that during trial the petitioner shall appear before the learned trial Court regularly and shall meet the Officer in Charge of the Sagardighi Police Station once a fortnight until further orders and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it shall be open to the trial Court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

Criminal Section is directed to provide certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)