

11.01.2024.
43.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4492 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raina P.S. Case No.292 of 2021 under Sections 302/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Saheb Alam.**

.... Petitioner.

Mr. Nudrat Urshi,
Mr. S. Hazra,
Mr. Mohammad Amin,
Mr. G. Muztaba,
Mr. Uzma Masood,
Mr. Mahjabeen,
Sk. Shaheb.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Md. Kutubuddin.

...for the State.

Mr. Aniruddha Bhattacharyya.

...for the de-facto complainant.

1. Petitioner contended that he is suffering from HIV infection. Hence, he has prayed for bail on humanitarian consideration.
2. State has submitted report with regard to the health condition of the petitioner. Report says that petitioner tested positive for HIV on 06.06.2023. He is under treatment at Burdwan Medical College and Hospital. He is also receiving psychiatric meditation.
3. The aforesaid report shows that petitioner requires to regular meditation. In order to ensure better treatment, purely on humanitarian consideration, we enlarge the petitioner on bail.

4. Accordingly, the petitioner viz., **Saheb Alam** 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, Purba Burdhaman 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 petitioner while on bail shall meet the Officer-in-charge, Raina Police Station once in a week until further orders.

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

6. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)