

05.01.2024
Sl. No.47
akd
[ALLOWED]

C. R. M. (DB) 14 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.12.2023 in connection with Dhubulia Police Station Case No.217 of 2022 dated 07.06.2022 under Sections 364A/34 of the Indian Penal Code.

And

In Re: ***Nurshed Sk. @ Nursheed Sk.***

... .. Petitioner

Mr. Asraf Mandal

... .. for the petitioner

Mr. Sudip Ghosh
Ms. Sonali Bhar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 442 days. It is further submitted petitioner is not the principal accused. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had assisted the principal accused to hire a vehicle which was used to abduct the victim for ransom.
3. We have considered the materials on record. Statement of the victim shows the principal accused viz. Arshad Ali Biswas with eight unknown persons had abducted him for ransom. No Test Identification Parade examination of the petitioner was done during investigation. Under such circumstances, it cannot be said that petitioner was present with the principal accused in course of abduction and demand of ransom. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detentions suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Nurshed Sk. @ Nursheed 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 Krishnanagar 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.
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.)