

Court No. 1

03.05.2024

(JPD 23)

(S. Banerjee)

(Allowed)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 160 of 2024

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 529 of 2023 dated 22.10.2023 under Sections 365/109 of the Indian Penal Code, charge-sheeted under Sections 302/364/201120B/34 of the Indian Penal Code.

And

In the matter of: Rehajul Haque

...petitioner

Mr. Subhasish Misra
Mr. Satyajit Paul

... for the petitioner

Mr. Nilay Chakraborty
Mr. Abhijit Sarkar
Mr. Chattu Roy

... for the State

1. Heard learned counsel for the parties.
2. Admittedly the case is based on circumstantial evidence. It appears that the name of the present accused-petitioner transpires from the statement of a witness namely, Hujur Mia as recorded under Section 164 Cr.P.C. Prima facie we do not find any other material as against the present accused petitioner in the case diary. Though the name of the present accused-petitioner transpires from the statement of CCL, the same is not admissible in evidence.

Investigation has already been completed and charge-sheet has already been filed.

3. Regard being had to the facts and circumstances as discussed supra, we are inclined to allow the prayer for bail.
4. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, with a further condition that the present accused-petitioner shall appear on each and every date of substantive trial before the trial court until further orders, subject to the provision of Section 317 Cr.P.C.
5. It is further ordered that the present accused-petitioner shall not tamper with evidence and/or intimidate and/or cause any threat to the victim as well as to any of the witnesses of the instant case.
6. The application for bail is thus allowed.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)