

JPD-90
Ct No.01
31.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 380 of 2024

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Mathabhanga**
Police Station Case No.**64** of **2011** dated **28.02.2011** under Sections
395/397/396/216A/412 IPC, 1860.

And

In the matter of: **Hasanur Rahaman**

.... petitioner

Ms. P.D. Chowdhury,
Ms. Upashana Chettri

....for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Tapan Bhattacharjee,
Mr. Arjun Chowdhury

....for the State

1. The petitioner is languishing in custody for nine-and-half years.
2. Also, it is alleged that the petitioner's wife is suffering from serious illness and is required to undergo surgery at the earliest. Also, the petitioner has two minor children. It is submitted that as such, bail ought to be granted to the petitioner.
3. Learned counsel appearing for the State opposes the prayer for bail and points out that on a previous occasion when bail was granted, the petitioner jumped the conditions of bail and, as such, there would be an apprehension that similar conduct would be repeated by the petitioner if again released on bail.

4. In reply, learned counsel for the petitioner submits that the petitioner is a labour by occupation and due to purposes of work, could not attend the court on three or four occasions for which the previous bail was cancelled. Even after that, the petitioner has spent about nine-and-half years in custody.
5. Upon a careful consideration of the circumstances of the case, we are of the opinion that although the petitioner had jumped bail on a previous occasion, even thereafter the petitioner has been incarcerated for nine-and-half years which itself is sufficient to extend the benefit of bail to the petitioner, since the petitioner has suffered sufficiently for his previous conduct. That apart, out of the 12 co-accused persons, 10 have been enlarged on bail and out of the 39 total witnesses, only 15 have yet been examined, making it uncertain as to when trial would be concluded.
6. Accordingly, CRM (DB) 380 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.5,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Session Judge, First Court (NDPS), Cooch Behar.
7. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
8. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)