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14-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 608 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tufanganj Police Station Case No. 625 of 2024** dated **02.08.2024** under **Sections 85/108/80(2)** of the Bharatiya Nyaya Sanhita, 2023 and corresponding to Sections **498A/306/304B** Indian Penal Code.

And

In the matter of : Rahidul Miah @ Rahidul Haque.

.....Petitioner.

Mr. Sudip Guha,
Mr. Ananda Paul,for the Petitioner.

Mr. Tapan Bhattacharjee,
Ms. Sukanya Adhikary,for the State.

Dictated by Biswaroop Chowdhury, J.

1. Learned advocate for the petitioner and learned advocate for the opposite party/State of West Bengal are present.
2. Heard learned advocates for the parties.
3. Perused the materials in the case diary.
4. Learned advocate for the petitioner submits that his client is in custody for 104 days and as the chargesheet is submitted, the prayer for bail made by the petitioner is considered.
5. Learned advocate appearing for the State of West Bengal submits that the death of the victim took place 7 days pursuant to the date of the marriage and draws our attention to the different statements made under Section 164 Cr.P.C. by the witnesses.

6. We have perused the statement under Section 164 Cr.P.C. made by the witnesses and also the FIR.
7. Upon considering the statements made by the witnesses and upon further consideration of the materials in the case diary, although it would not be proper to make any further observations with regard to the merits of the case, but considering the period of detention which is about 104 days and the fact that chargesheet has already been submitted and upon specifically considering the statement under Section 164 Cr.P.C. made by the father of the victim and some local persons, we are of the view that in the interest of justice, the petitioner should be released on bail.
8. Thus, we allow the prayer for bail made by the petitioner.
9. Accordingly, we direct that the petitioner, namely **Rahidul Miah @ Rahidul Haque** 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, Cooch Behar and on further conditions that he shall not leave the jurisdiction of the Court until further orders and shall not meet with any person acquainted with the facts of the case and on further condition that the petitioner shall meet the Officer-in-Charge of the concerned police station once in a week until further orders.
10. We make it clear that our observations are only in the bail application and will not affect the trial of the case.

11. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
12. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
13. The application for bail is, accordingly, allowed.
14. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)