

44.
27-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 81 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Baishnabnagar Police Station Case No.38 of 2024 dated 11-01-2024 under Sections 395/397/412 of the Indian Penal Code.

- A n d -

In the matter of : Khoda Box @ Khoda Baks @ Khudi
.... Petitioner.

Mr. Md. Wasim Akram
... For the Petitioner.

Mr. Rana Mukherjee, learned APP,
Mr. Arani Bhattacharya
... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner claims parity. According to him, the petitioner is similarly circumstanced with Najimul Hoque, a co-accused person who has been granted bail. Learned advocate further submits that he is in custody for 1 year 25 days in connection with this case. As there is no chance of an early conclusion of trial, he prays for bail.

2. Learned Additional Public Prosecutor opposes the prayer for bail. He has drawn our attention to the status report filed by the State. He has further submitted that there are several criminal antecedents of the present petitioner and if he is enlarged on bail, he may again commit such type of offences.

3. We have considered the materials on record. It appears that the present petitioner is similarly circumstanced

with the accused Najimul Hoque and Shish Mohammad, who were granted bail on 06-12-2024 and 12-09-2024 respectively. We find that there are 23 witnesses. But till now, witness action has not yet begun. There is no chance of an early conclusion of the trial. Even if the petitioner has certain criminal antecedents, we are inclined to allow the prayer of the petitioner for bail, but on some stringent conditions.

4. Accordingly, we direct that the petitioner, namely, **Khoda Box @ Khoda Baks @ Khudi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Malda. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not also commit any cognizable offence in any manner whatsoever. The petitioner shall not enter the district of Malda except for the purpose of attending the court proceedings. The petitioner shall, through his learned advocate, inform the learned trial Court, Baishnabnagar Police Station and the jurisdictional police station under whose jurisdiction he shall be residing while on bail his current local address and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said jurisdictional police station once in every week, until further orders.

5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)