

67.
Court
No.29

19.02.2025

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 160 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Karaya** Police Station Case No. **46/2024** dated **06.3.2024** under Sections **302** of the Indian Penal Code.

And

In the matter of: - **TARIQUE NEHAL**

...petitioner.

Mr. Tarique Quasimuddin
Mr. Md. Faizan
Mr. Md. Adnan Lodhi

...for the petitioner.

Mr. Ranabir Roychoudhury
Mr. Arup Sarkar

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 350 days. The *de facto* complainant (PW1) has been declared hostile. PW2 being a neighbour, who reported the alleged incident to the *de facto* complainant, has also been declared hostile. He prays for bail.
2. While opposing the prayer for bail learned State Advocate says that there is very good progress in the trial. Eight out of 19 charge-sheet named witnesses have already been examined. The trial is likely to conclude within the next six months.
3. We see that two vital witnesses have been declared hostile. This has made a big dent in the prosecution case.
4. The petitioner is in custody for close to one year.
5. On an overall assessment of the material and evidence on record, we are inclined to grant bail to the petitioner.

6. Accordingly, we direct that the petitioner, namely, **TARIQUE NEHAL** 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 the learned Chief Judicial Magistrate, South 24-Parganas at Alipore, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 160 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)