

17.03.2025
Item no.87.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 213 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Hariharpara Police Station Case No. 356 of 2024** dated **10.06.2024** under **Sections 302/120B/34** of the Indian Penal Code.

And

In the matter of : Tinkari Ghosh @ Tinkori Ghosh.
...Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.,for the Petitioner.

Mr. Madhusudan Sur, Ld. APP,
Mr. Rahul Gangully,for the State.

Mr. Tapodip Gupta,
Mr. A. Basu, ...for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is standing on the same footing with the accused Julfikar Ali @ Butto @ Julfikkar Ali, who was enlarged on bail by a co-ordinate Bench. The petitioner is in custody for 9 months and there is no chance of an early conclusion of the trial since the case has not yet been committed. Accordingly, the petitioner may be granted bail on any stringent condition.
2. Learned counsel for the State has submitted that there are sufficient incriminating materials against the petitioner. The present petitioner is not similarly circumstanced with the accused Julfikar Ali @ Butto @ Julfikkar Ali. Some other

accused persons are absconding. If the petitioner is enlarged on bail, the prosecution may suffer a lot.

3. Learned counsel has also drawn our attention to the order dated December 11, 2024, passed by another co-ordinate Bench by which the bail prayer of the brother of the present petitioner, who is standing on the same footing, was rejected.
4. We have considered the materials-on-record. It appears that the present petitioner is not similarly circumstanced since in the order dated February 19, 2025, the Hon'ble Co-ordinate Bench recorded that there is no whisper about the presence of the Julfikar Ali @ Butto @ Julfikkar Ali at the place of occurrence. However, in this case, the statement of the witness recorded under Section 164 Cr.P.C. (Section 183 of the B.N.N.S.) shows that the present petitioner was very much present at the time of the incident. However, there was no overt act done by the petitioner excepting a sort of instigation.
5. However, we find that investigation is complete and the case has not yet been committed. Considering the facts of the case and the period of detention and also there being no possibility of an early conclusion of the trial, we are inclined to allow the application for bail.
6. Accordingly, we direct that the petitioner, namely, **Tinkari Ghosh @ Tinkori Ghosh** 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, Murshidabad at Berhampore subject to the condition that the petitioner shall

remain within the jurisdiction of the Hariharpara police station and shall meet the Inspector-in-Charge of the Hariharpara police station once in a fortnight, until further orders.

7. 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.
8. 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.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)