

CRM (DB) 380 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Patiram Police Station** Case No. **305 of 2024** dated **02.12.2024** under Section **126(2)/115(2)/117(2)/109(2)/74/3(5)/105** of the BNS.

- A n d -

In the matter of : Abdul Sardar @ Abul & Anr.

.... Petitioners.

Mr. Kaushik Choudhury,

... For the Petitioners.

Mr. Debabrata Chatterjee,

Mr. Sobhan Gani,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Status report filed by the State be kept with the records.
2. The petitioners submit that they are in custody for about 114 days. Investigation is complete. Charge sheet has been submitted. This is a case of culpable homicide not amounting to murder. However, as the investigation is complete, there is no need for further detention of the petitioners in custody.
3. Learned State Advocate opposes the bail prayer. According to him, there are sufficient incriminating materials against the present petitioners.
4. We have considered the materials on record. It appears that the victim was assaulted by a bamboo. The said bamboo has been recovered. Investigation is complete. However, whether this is a case under the offence of culpable homicide amounting to murder is to be considered at the time of trial.
5. As the investigation is complete, we are inclined to enlarge the petitioners on bail.

6. Accordingly, we direct that the petitioners, namely, **Abdul Sardar @ Abul and Manoara Bibi @ Manoyara Bibi Sardar**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned C.J.M, Balurghat, Dakshin Dinajpur subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall remain within the jurisdiction of the concerned police station except for the purpose of attending court proceedings and the petitioner no. 1 shall meet the I.C/O.C. of the said police station once in a fortnight until further orders.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.

9. 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.)