

08.04.2025

43

jb.

jdt.

Allowed

C.R.M. (DB) 616 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Beniapukur Police Station (Section-R-1) Case No. 210 dated 05.05.2022 under Sections 302/323/34 of the Indian Penal Code.

And

In Re : **Shahid Anwar @ Bahu Shahid**

... Petitioner.

Mr. Manas Kr. Barman

Mr. Abhiraj Tarafdar

... For the Petitioner.

Mr. Bitasok Banerjee

Mr. Santanu Talukder

... For the State.

Heard learned counsels for the parties.

The petitioner is in custody for about 3 years.

The incident is a fall out of scuffling between several persons. One of the persons succumbed to his injury. Though the petitioner has been identified in test identification parade it appears that the petitioner was in police custody from 5th May, 2022 and the prayer for test identification parade was made by investigating officer only on 19th May, 2022. One of the witnesses who has identified the petitioner has adduced evidence as P.W. 2 and has stated that the investigating officer identified the petitioner and other accused to him prior to holding test identification parade. No offending weapon has been recovered from the petitioner. Only 2 out of 35 witnesses have been examined. The *defacto* complainant has also not implicated the petitioner in the alleged offence.

Upon consideration of the material on record and also the fact that there is no *prima facie* evidence till date linking the petitioner to the alleged offence, this Court is inclined to hold that further detention of the petitioner is not required.

Accordingly, the prayer for bail is allowed.

The petitioner namely Shahid Anwar @ Bahu Shahid shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and he shall not tamper with the evidence and intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)