

08.04.2025

Item No.50

Ct.No.34

rc.

Allowed

C.R.M. (DB) 672 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rahara Police Station Case No. 7 of 2023 dated 06.01.2023 under Sections 395/397/212/412/120B of the Indian Penal Code.

And

In Re : **Mehbub Khan @ raja @ Md. Mahbub Alam**
... Petitioner.

Mr. Partha Pratim Das
Ms. D. Mondal ... for the Petitioner.

Mr. Subhajit Chowdhury
Mr. A. K. Bhadra ... For the State.

Heard learned counsels for the parties.

The petitioner is in custody for more than two years.

Learned counsel for the petitioner submits that no Test Identification parade was conducted for identification of the petitioner and no recovery has been made from him. Co-accused from whom recovery has been made has been granted bail. The petitioner prays for bail.

Learned counsel for the State opposes the prayer for bail.

It appears that though the allegation against the petitioner is under Sections 395/397/212/412/120B of the Indian Penal Code, no Test Identification parade was conducted for identification of the petitioner. No recovery has also been made from him. The evidence led before the trial court does not connect the petitioner to the alleged offence.

Considering the material on record, prayer for bail is allowed.

The petitioner, **Mehbub Khan @ raja @ Md. Mahbub Alam**, 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, Barrackpore subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing and shall remain within the jurisdiction of Rahara Police Station until further orders. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall furnish the address where he shall presently reside to the learned trial Court and the Investigating Officer.

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

The application for bail is, thus, disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)