

22.05.2025

Item No.33

Ct.No.34

rc.

Partly Allowed

C.R.M. (DB) 1115 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 Bhatpara Police Station Case No. 492 of 2022 dated 02.07.2022.

And

In Re : **(1) Krishna Mahato**
 (2) Tousif Alam

... Petitioners

Mrs. Suchismita Chakraborty

... for the Petitioners

Mr. Ranabir Roy Chowdhury

Ms. Debadrita Mondal

... For the State

The petitioners are in custody for about two years and ten months and pray for bail.

Learned counsel for the petitioners submits that the petitioners stand on the same footing as the co-accused who have been granted bail by this Court.

Opposing the prayer learned counsel for the State submits that the 1st petitioner Krishna Mahato has been implicated by the eye witness to the incident as well as identified in Test Identification Parade. The offending weapons have been recovered pursuant to his leading statement. The FSL report of the seized fire arms supports the prosecution case.

I have heard learned counsels for the parties.

Considering the material on record implicating the 1st petitioner **Krishna Mahato** in the alleged offence, prayer for bail of the first petitioner **Krishna Mahato** is rejected at this stage.

With regard to the 2nd petitioner **Tousif Alam**, he appears to be similarly circumstanced with the co-accused on bail and deserves the same benefit.

Accordingly, prayer for bail of the 2nd petitioner **Tousif Alam** is allowed.

The 2nd petitioner **Tousif 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 he shall remain outside the jurisdiction of the Bhatpara Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the 2nd petitioner fails to comply with any of the conditions as mentioned above without 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, 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.)