

25.04.2025

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jb.

jdt.

Interim bail

C.R.M. (M) 142 of 2025

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Gazole Police Station Case No. 75/2024 dated 02.02.2024 under Section 396 of the Indian Penal Code read with Sections 25(1B)(a)/27/35 of the Arms Act.

And

In Re : Khoda Box @ Fatik

... Petitioner.

Mr. Avinaba Patra
Mr. Subhadeep Ghosh

... For the Petitioner

Ms. Sonali Das
Ms. Rituparna Saha

... For the State.

Report submitted in compliance with the order dated 21st April, 2025 is taken on record.

Heard learned counsels for the parties.

Learned counsel for the State opposes the prayer.

It appears from the report that the distance between Gazole police station and the place of occurrence under Itahar police station is about 22 kms. and it takes about 30-35 minutes to travel the said distance. According to the FIR before the Itahar police station the subsequent incident occurred at about 1.20 pm. on 30th December, 2024 and the petitioner along with co-accused were found at Gazole police station on the same date at 13.57 hours. The attendance of the petitioner recorded at Gazole police station at 13.57 hours suggests that he was at the said police station at least a few minutes prior to the said time. Therefore it is highly improbable that the petitioner covered a distance of 22 kms. in the short span of time available to him.

Since the petitioner was granted interim bail by this Court upon consideration of the material on record, he may be favoured with the same order at this stage.

Accordingly, the prayer for bail is allowed in the interim form till 30th June, 2025.

The petitioner namely Khoda Box @ Fatik shall be released on interim 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 Chief Judicial Magistrate, Malda subject to condition that the petitioner shall remain within the jurisdiction of Gazole police station and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

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

Let the matter appear under the same heading on 20th June, 2025.

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.)