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07.05.2025
Ct.No.34
b.das
Partly Allowed

C.R.M. (M) 226 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Bishnupur P.S. Case No. 386 of 2023 dated 20.05.2023 under Sections 302/201/120B of IPC read with Section 25(1B) of the Arms Act.

And

In Re : **Mainuddin Molla @ Madhu @ Mahiruddin Molla @ Bhodu & Anr.**

... Petitioners.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Shibaji Kr. Das
Mr. Jagadish Das
Ms. Sharmistha Das ... for the Petitioners.

Mr. Soumya Nag
Mr. Aditya Tiwari ...for the de facto complainant.

Mr. Debasish Roy
Mr. Subhamoy Bhattacharya
Ms. Mamata Jana ... For the State.

On prayer of the petitioners liberty is granted to correct the cause title of the application.

Learned counsel for the petitioners does not press the bail prayer insofar as the 1st petitioner, **Mainuddin Molla @ Madhu @ Mahiruddin Molla @ Bhodu** is concerned.

Accordingly, bail prayer of the 1st petitioner is dismissed as not pressed.

Insofar as the 2nd petitioner is concerned, this petitioner claims parity with co accused Aizul Molla @ Aizul Jamadar @ Molla who has been granted bail by the Hon'ble Supreme Court.

Learned counsels for the State and the de facto complainant oppose the prayer.

Learned counsel for the de facto complainant submits that a katari has been recovered from the house of the 2nd petitioner pursuant to his leading statement.

Learned counsel for the State submits that 9 more witnesses will be examined by the prosecution.

I have considered the material on record. The 2nd petitioner appears to be similarly circumstanced with co accused Aizul Molla @ Aizul Jamadar @ Molla who is on bail. Though a katari has been recovered from the house of the petitioner, the same has not been sent for forensic examination. There is no evidence connecting the katari with the alleged murder.

Considering the material on record as well as extent of complicity of the 2nd petitioner in the alleged offence, this Court is of the view that the 2nd petitioner is similarly circumstanced with co accused Aizul Molla @ Aizul Jamadar @ Molla and deserves the same benefit.

Accordingly, the prayer for bail in connection with the 2nd petitioner is allowed.

The 2nd petitioner **Ajharuddin @ Ajharuddin @ Azaruddin @ Azharuddin Shaikh @ Sekh @ Sk.** 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, Alipore subject to condition that the 2nd petitioner shall remain outside the

jurisdiction of Bishnupur P.S. and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. The 2nd petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the 2nd petitioner fails to adhere to any of the conditions as stated 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.

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.)