

**13.06.2025**

Item No.16

Ct.No.34

rc.

**Allowed**

**C.R.M. (R) 351 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 Kaliachak Police Station Case No. 1029 of 2022 dated 14.09.2022.

And

In Re : **Ainul Hoque**

... Petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

... for the Petitioner

Mr. Arijit Ganguly

Ms. Jonaki Saha

... For the State

Mr. Dipankar Mandal

Mr. Abdul Aziz Mondal

...for the defacto complainant

Memo of evidence and report submitted by the State are taken on record.

The petitioner is in custody for more than hundred days and seeks parity with the co-accused who has been granted bail earlier.

Learned counsel for the defacto complainant opposes the prayer and submits that the co-accused and the present petitioner have threatened the defacto complainant to withdraw the complaint and FIR was lodged by the defacto complainant in this regard on March 16, 2024.

Learned counsel for the State also opposes the prayer and submits that the petitioner has a criminal antecedents and was shown as arrested in the present case.

I have considered the material on record. The delay in lodging the FIR is not explained. Prior enmity between the parties is prima facie evident. Considering the nature of offence as well as extent of involvement of the petitioner therein, this Court is of the view that further detention of the petitioner is not required and he may be granted bail subject to stringent conditions.

Accordingly prayer for bail is allowed.

The petitioner **Ainul Hoque**, 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 Chief Judicial Magistrate, Malda subject to condition that he shall remain outside the jurisdiction of Kaliachak 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 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.)**