

16.06.2025

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jb.

jdt.

Allowed

C.R.M. (M) 410 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with English Bazar Police Station Case No. 1629/2022 dated 28.10.2022 under Sections 489B/489C/34 of the Indian Penal Code.

And

In Re : Rahul Kumar

Mr. Avinaba Patra

Mr. Agnik Maulik

.... For the Petitioner.

Ms. Subhasree Patel

Ms. Sonali Bhar

... For the State

Report submitted by the State is taken on record.

The petitioner is in custody for more than 2 years and prays for bail. Learned counsel for the petitioner submits that though charge-sheet has been submitted, trial has not proceeded since witnesses have not turned up.

Learned counsel for the State opposes the prayer.

It appears that the trial is being delayed due to absence of witnesses. Search and seizure is complete. Considering the period of detention of the petitioner, prayer for bail is allowed subject to stringent conditions.

The petitioner namely Rahul Kumar shall 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 within the jurisdiction of English Bazar police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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 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.)