

June 20, 2025

20 ARDR

(Allowed)

CRM (M) 456 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Harishchandrapur** Police Station Case No. **1276** of **2023** dated **17/12/2023** under Sections **364/302/201/120B** of the Indian Penal Code.

And

In Re : Tafijul Haque @ Tafajul Hoque

... Petitioner.

Adv. Jaydeep Biswas,
Adv. Arup Sarkar,
Adv. Kaushik Ghosh,

... for the petitioner.

Adv. Rudradipta Nandy,
Adv. Amanul Islam,

... for the State.

The petitioner is in custody for more than hundred days.

Learned counsel for the petitioner submits that he is the uncle in law (kaka sasur) of the petitioner and has no involvement in the alleged offence.

Learned counsel for the State opposes the prayer.

I have perused the material on record.

Statement of witnesses including the defacto complainant and the sister of the victim implicates the uncles (khalu and chhoto mama) of the victim's wife in the incident. Voice message sent by the victim to his sister records that these two persons were assaulting him. The dead body of the victim was found in the next morning near the railway track. Of course, presence of the petitioner prima facie appears from the CDR of his mobile phone as well as the statement of some of the witnesses. But it is to be borne in mind that the place of occurrence was a public place (jalsa) accessible to the public at large. The defacto complainant and some of the other

witnesses have implicated the friends of the victim to be the alleged miscreants.

Considering the material on record and extent of complicity of the petitioner in the alleged offence, this Court is inclined to hold that further detention of the petitioner is not required and he may be granted bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Tafijul Haque @ Tafajul 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 **Additional Chief Judicial Magistrate, Chanchal, Malda** subject to the condition that he shall remain outside the jurisdiction of Harishchandrapur 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 police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

It is made clear that the observation made in this order is solely for the purpose of considering the bail application and shall not be taken as a finding of this Court with regard to the merits of the case.

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.)