

June 23, 2025

13 ARDR

(Allowed)

CRM (M) 491 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Manikchak Police Station Case No. **690** of **2024** dated **15/9/2024**
under Sections **103(1)/61(2)/3(5)** of the BNS and Sections **25/27**
of the Arms Act and Sections **3/4** of the Explosive Substances Act.

And

In Re : Sk. Mahatab

... Petitioner.

Sr. Adv. Sekhar Kumar Basu,
Adv. Wasim Akram

... for the petitioner.

Adv. Kamalesh Bhattacharjee,
Adv. Arnab Chatterjee,
Adv. Dipankar Mondal,

...for the defacto complainant.

Adv. Bibaswan Bhattacharya,
Adv. Debanshu Ghorai,

... for the State.

Learned counsel for the petitioner submits that the petitioner
is in custody for more than four years and has no participatory role
in the alleged incident. He was only seen at the market place when
the incident occurred.

Learned counsel for the State and the defacto complainant
oppose the prayer.

I have considered the material on record.

The petitioner was found to be present at the place of
occurrence. One of the witnesses has stated that he was carrying
weapons but no direct involvement of the petitioner is prima facie
found from the material on record. The injuries which caused the
death of the victim were inflicted by the co-accused.

Considering the material on record and extent of complicity of
the petitioner in the alleged offence, this Court is of the view that

further detention of the petitioner is not required and he may released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Sk. Mahatab** 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 the condition that he shall remain outside the jurisdiction of Manikchak 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.

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.)