

30.05.2025
Court No.6
Item No.21
BD/jayanta

CRM (M) 569 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of BNSS, 2023, in connection with Raidighi Police Station Case No. 569 dated 05.11.2024 under Sections 103 (2)/61 (2) (a) of the Bharatiya Naya Sanhita Act.

And

In the matter of: **Sk. Sahadat @ SDekh Sahadat & Ors.**

....Applicants/Petitioners.

Mr. Shoubhik Mitter
Ms. Rajnondini Das
Mr. Narattam Acharyya

..for the petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. D. Pramanick

..for the State

Mr. Angshuman Chakraborty
Mr. S. Nag
Mr. Rajib Ghosh
Mr. N. Banerjee

..for the *de facto*

1. This Court has heard learned advocate for the petitioner, learned advocate for the State and learned advocate for the informant at length.
2. This court has also considered the entire materials as placed before this Court including the materials available in the Case Diary.
3. On careful consideration of the entire materials as placed before this Court and as available in the Case Diary, it reveals that though the present three accused petitioners are named in the FIR, however, this Court finds, *prima facie*, direct

involvement of the present accused petitioner no. 1 in the alleged crime.

4. In view of such prayer for bail of the present accused petitioner no. 1, i.e., Sekh Sahadat, is considered and rejected.
5. Admittedly there are sufficient incriminating materials as against the present accused petitioner no. 2 and 3, namely, Sk. Mustafa @ Bhola and Sk. Najibul in the alleged crime. However, considering the fact their role in the alleged crime is also found not to be not so prominent as would be evident from the post-mortem report of the deceased, this Court is inclined to allow the prayer for bail of the accused petitioner nos. 2 and 3, i.e., Sk. Mustafa @ Bhola and Sk. Najibul.
6. It is thus ordered that the petitioner nos. 2 and 3, namely, **Sk. Mustafa @ Bhola and Sk. Najibul**, be released on bail upon furnishing a bond of Rs.10,000/- (each), with two registered sureties of like amount each, to the satisfaction of Additional District and Sessions Judge, Diamond Harbour, South 24 Parganas and also on condition that the present accused petitioner nos. 2 and 3 shall appear before the learned Trial Court on each and every date of substantive hearing and shall not commit any threat and/or inducement to the charge sheeted witnesses and shall not tamper with the evidence in default, learned Trial Court is at liberty to cancel the bail of the present accused petitioner nos. 2 and 3 without any further reference to this Court.

7. It is further ordered that the present accused petitioner nos. 2 and 3 shall remain outside the territorial jurisdiction of Raidighi police Station till conclusion of the trial, unless such condition is relaxed by the trial Court.
8. With the aforementioned observation the CRM (M) 569 of 2025, is disposed of.

(Partha Sarathi Sen J.)