

18.
03-06-2025
(ct. no.06)
pp/BM
(Allowed)

CRM (M) 595 of 2025

In re: An application for bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No.918 of 2024 dated 22-06-2024 under Sections 341/323/324/326/307/34 of IPC adding Section 302 of the IPC in GR Case No.4245 of 2024, charge sheet No.549 of 2025 dated 16.04.2025.

- A n d -

In the matter of : Md. Asmul Sk.

.... Petitioner.

Mr. Mukunda Lal Sarkar
Mr. Sabyasachi Chatterjee
Mr. Sibendu De

... For the Petitioner.

Mr. Madhusudan Sur,
Ms. Puspita Saha

... For the State.

1. It is said on behalf of the accused petitioner that the present petitioner is absolutely innocent and has been falsely arraigned with the crime. It is said that this accused petitioner is in custody since 20.01.2025. In the meantime, investigation process is over by submitting charge sheet by the prosecuting agency.

2. It is further said by the learned advocate for the petitioner that there are discrepancies about the time of the alleged incident. In the written complaint it is said that the alleged incident was taken place at 5:00 PM whereas from the medical document issued by the Nursing Home it would

appear that the victim was admitted therein at about 4 pm on 21.06.2024.

3. The attention of the court is drawn to the statement of the Sakirul Khan recorded under Section 164 of the Cr.P.C wherein it is said that soon they caught hold of each other's collar and started jostling while they were pushing and shoving each other, suddenly, Farid Sheikh fell on the ground and became unconscious.

4. It is said by the learned advocate for the petitioner that there are apparent discrepancies in the statement recorded by the Investigation Officer under Section 161 of the Cr.P.C and the statement made before the learned Magistrate and recorded under Section 164 of Cr.P.C with the contention of FIR. The other FIR named accused persons have already been granted bail and this accused petitioner is in custody for considerable period of time and as such no purpose will be served by detaining the accused petitioner behind the bar. So, the petitioner's prayer for bail may be allowed.

5. Learned counsel for the State raises objection by submitting that there are sufficient incriminating materials in the case diary which reflect about prima facie involvement of the accused petitioner with the alleged offence.

6. It is said that the application filed by the petitioner praying for anticipatory bail before this court was turned down on earlier occasion. The attention of the court is drawn to the findings of the court made in the said order dated 07.01.2025.

7. It is said that at this stage, if the petitioner is enlarged on bail then there is every possibility of hampering of investigation.

8. I have considered the rival submissions advanced by both the parties and have perused all the materials gathered in the record and placed before this court at the time of hearing.

9. Anyway, considering the materials placed before me and after considering materials collected by the investigating agency during the course of the investigation, I find as the investigation process has already been completed by submitting charge sheet by the prosecuting agency so no fruitful purpose will be served by detaining further the accused petitioner behind the bar for the sake of custodial interrogation. Accordingly, this petition filed by the petitioner is allowed.

10. Accordingly, I direct that the accused petitioner, namely, **Md. Asmul Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned CJM, Malda, with a condition that the petitioner shall not make threat, promise and induce to any of the charge sheeted witnesses and shall appear before the trial Court on each and every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of

Kaliachak P.S and provide the address where he would reside if on bail to the investigating agency and the trial court.

11. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

12. The application for bail is, thus, **allowed**.

13. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

14. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)