

26.06.2025

37

jb.

jdt.

Allowed

C.R.M. (M) 637 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 Kankartala Police Station Case No. 16 of 2025 dated 11.02.2025 under Sections 191(2)/191(3)/190/117(2)/118(2)/109/351(3)/61(2)/111 of the Bharatiya Nyaya Sanhita read with Sections 3/4 of the E. S. Act.

And

In Re : Sk. Sujauddin & Anr.

Mr. Ayan Bhattacharya

Mrs. Kunal Goswami

... For the Petitioners.

Mr. Prasun Kr. Dutta

Ms. Trina Mitra

... For the State

The petitioners are in custody for more than 4 months and pray for bail. Learned counsel for the petitioners submits that there was a free fight between two groups and members of both the groups including the accused persons of the present complaint sustained injuries. 51 persons were charge sheeted. No specific role has been attributed to the petitioners.

Learned counsel for the State opposes the prayer for bail.

I have considered the material on record. The incident arose out of a free fight between two groups wherein members of both the groups sustained injuries. Some material which is required for binding bombs was recovered at the instance of the 2nd petitioner. However, no specific role has been attributed to the petitioners in the alleged offence.

Considering the material on record and extent of complicity of the petitioners in the alleged crime, this Court is inclined to release the petitioners on bail.

Accordingly, the prayer for bail is allowed.

The petitioners namely Sk. Sujauddin and Sk. Abu Bakkar @ Gulzar shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judicial Magistrate, Dubrajpur, Birbhum subject to conditions that they shall remain outside the jurisdiction of Kankartala Police Station and shall furnish the address where they shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction they shall presently reside. They shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. They shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel their 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.)