

22.07.2025

35

jb.

jdt.

Allowed

C.R.M. (M) 740 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 Karimpur Police Station Case No. 186 of 2024 dated 14.10.2024 under Sections 103/238/3(5) of the Bharatiya Nyaya Sanhita and Sections 25/27 of the Arms Act with added Sections 303(2)/317(2) of the Bharatiya Nyaya Sanhita.

And

In Re : Samsul Seikh @ Sumon Kaka @ Hatkupa

Mr. Joydeep Biswas
Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaushik Ghosh

... For the Petitioner.

Mr. Sandip Chakraborty
Mr. Mainak Gupta

... For the State

The petitioner is in custody for about 9 months and prays for bail.

Learned counsel for the petitioner submits that the petitioner's name has transpired from the statement of the co-accused. There is no independent evidence against him. Charge sheet has been submitted.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

The petitioner's name has transpired from the statement of the co-accused. No incriminating material has been recovered from him. It prima facie appears that the petitioner was not present at the place of occurrence at the relevant time. An amount of Rs.25,000/- has been recovered from his possession. Recovery of the said amount has not been prima facie connected with the

alleged crime. The only prima facie evidence against the petitioner is that it appears from the CDRs that the petitioner's mobile phone was used to connect the other accused prior to commission of the alleged offence. The extent of involvement of the petitioner in the alleged crime needs to be assessed in the light of the evidence at the time of trial.

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. He may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Samsul Seikh @ Sumon Kaka @ Hatkupa shall 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, Tehatta, Nadia subject to condition that he shall remain outside the jurisdiction of Thanarpara police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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.)