

18.03.2025
Item no. 24.
Court No.29.
AB
(Allowed)

CRM (DB) 22 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Salar Police Station Case No.68 of 2024 Dated 15.02.2024 under Sections 341/323/325/326/307/302/34 of the Indian Penal Code

And

In the matter of : Meheraj Sk.Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv,
Md. Hafiz Ali,
Mr. Debojyoti Defor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly,
Mr. Kaushik Kundufor the State.

Mr. J. I. Hossainfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed today by the State, be kept with the records.
2. We find that the alleged incident was a fallout of a dispute arising in connection with a cricket match. There were exchange of fist and blows. The petitioner says that he had no intention of killing anybody. The victim got killed being hit in the heat of the moment. He is in custody for more than one year and one month. Beyond the case being committed, there is no progress in the trial. There are 22 charge sheet named witnesses. Trial has not yet begun. On the touchstone of Article 21

of the Constitution of India as also on merits, he prays for bail.

3. Strongly opposing the prayer for bail, learned Advocates for the State and the defacto complainant draw our attention to the material in the case diary. We have seen the statements of witnesses recorded under Section 183 B.N.S.S. 2023. We have also seen the post mortem report.
4. Prima facie, it does not appear that the petitioner had any premeditated plan to kill the victim. Investigation is complete. We are not persuaded by the State or the defacto complainant that custody trial is necessary insofar as this petitioner is concerned. The status report filed by the State also does not indicate that the petitioner has any criminal antecedents, although that was a specific query that we had raised in our earlier order dated February 19, 2025.
5. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail, also seeing that there is no possibility of an early conclusion of the trial, since the trial has not yet begun.
6. Accordingly, we direct that the petitioner, namely **MEHERAJ SK.** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, and on further

conditions that he shall not enter the jurisdiction of Salar Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Salar Police Station as well as the Investigating Officer of the case and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

